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SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL COUNTRIES
AND PEOPLES

GIBRALTAR

Working paper prepared by the Secretariat

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GIBRALTAR 1/

I. GENERAL

1. Gibraltar is a narrow peninsula extending southward from the south-west coast of Spain, to which it is connected by an isthmus about 1.6 kilometres long. The Spanish port of Algeciras lies 8 kilometres across the bay to the west; the continent of Africa is situated 32 kilometres across the Strait to the south. According to the United Kingdom of Great Britain and Northern Ireland, the area of Gibraltar is 5.86 square kilometres, and according to Spain, it is 4.8 square kilometres.

2. According to the census of Gibraltar taken on 14 October 1991, Gibraltar's civilian population in 1991 was 28,074, consisting of 20,022 Gibraltarians, 5,182 other British subjects, including families of British servicemen stationed in Gibraltar, but excluding servicemen, and 2,870 aliens.

II. ACTION BY THE GENERAL ASSEMBLY

3. The Special Political and Decolonization Committee (Fourth Committee) considered the question of Gibraltar at its 3rd, 8th and 13th meetings, on 12, 25 and 29 October 1993, respectively.

4. At the 3rd meeting, on 12 October, with the Committee's consent, the Honourable Joe Bossano, Chief Minister of Gibraltar, made a statement in which he stated, inter alia (A/C.4/48/SR.3, para. 29): "The sense of identity of the people of Gibraltar has grown and deepened. The people of Gibraltar love their homeland and seek recognition of their identity by the family of nations."

5. At the 8th meeting, on 25 October, the Chairman of the Special Political and Decolonization Committee (Fourth Committee) drew attention to a draft consensus on the question of Gibraltar submitted by him and contained in document A/C.4/48/L.6 (see A/C.4/48/SR.8).

6. At its 13th meeting, on 29 October, the Special Political and Decolonization Committee (Fourth Committee) adopted draft resolution A/C.4/48/L.6 without objection (A/C.4/48/SR.13).

7. On 10 December 1993, the General Assembly, on the recommendation of the Special Political and Decolonization Committee (Fourth Committee), adopted the following text without a vote as representing the consensus of the members of the Assembly:

> "The General Assembly, recalling its decision 47/411 of 25 November 1992 and recalling at the same time that the statement agreed to by the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland at Brussels on 27 November 1984 (A/39/732, annex), stipulates, inter alia, the following:
>
> 'The establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar and at promoting

> cooperation on a mutually beneficial basis on economic, cultural, touristic, aviation, military and environmental matters. Both sides accept that the issues of sovereignty will be discussed in that process. The British Government will fully maintain its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution',
>
> takes note of the fact that, as part of this process, the Ministers for Foreign Affairs of Spain and the United Kingdom of Great Britain and Northern Ireland have held annual meetings alternately in each capital ... and urges both Governments to continue their negotiations with the object of reaching a definitive solution to the problem of Gibraltar in the light of relevant resolutions of the General Assembly and in the spirit of the Charter of the United Nations."

III. CONSIDERATION BY THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

8. The Special Committee considered the question of Gibraltar at its 1421st meeting, on 14 July 1993.

9. At the same meeting, with the Special Committee's consent, the Honourable Joe Bossano, Chief Minister of Gibraltar, made a statement in which he said, inter alia (A/AC.109/PV.1421, p. 18): "We Gibraltarians are committed to the eradication of colonialism; we demand our right as a colonial people, and seek the protection of the Committee in ensuring preservation of this right."

10. At the same meeting, the representative of Spain reiterated the position of his Government on the question of Gibraltar (A/AC.109/PV.1421).

11. Also at its 1421st meeting (see A/AC.109/PV.1421), the Special Committee decided without objection to continue its consideration of the item at its next session, subject to any directives the General Assembly might give at its forty-eighth session. The Committee also decided to transmit the relevant documentation to the Assembly in order to facilitate consideration of the item by the Special Political and Decolonization Committee (Fourth Committee).

IV. POLITICAL DEVELOPMENTS

A. General

12. The 1969 Constitution of the Territory remains in effect. 2/ It provides for a single House of Assembly consisting of 15 elected members, together with a Speaker, the Attorney-General and the Financial Development Secretary as ex officio members. Executive authority is vested in the Governor, who is responsible for defence, external affairs, internal security and all matters that are not expressly defined as being of domestic concern.

13. Sir John Chapple took up the Office of Governor of Gibraltar in April 1993. He succeeded Sir Derek Reffell, who had held that position from 1989 to 1993. 3/

14. According to press reports, in August 1993, the Gibraltar National Party (GNP) called for constitutional reform. GNP was particularly critical about the reserve powers of the Governor of the Territory and argued that the right of the Governor to take decisions unilaterally without consulting the territorial Legislative Assembly was anachronistic and could undermine democracy. 4/

15. According to press reports, 5/ in February 1994, the Transport and General Workers' Union (TGWU), the main trade union in the Territory, called for reform of the Constitution of Gibraltar and for the abolition of the Governor's reserve powers. The trade union also suggested the establishment of a tripartite economic and social council with the participation of the territorial Government, trade unions and the Chamber of Commerce, which would be in charge of formulating socio-economic policy.

B. General elections

16. It will be recalled that the general elections for the 15 seats in the House of Assembly were held on 17 January 1992. The Gibraltar Socialist Labour Party (GSLP) received 73.07 per cent of the votes, winning eight seats, while GNP, with 4.66 per cent of the votes, failed to obtain an Assembly seat. 6/ Mr. Joe Bossano, the leader of GSLP, received 9,228 votes and thus was re-elected Chief Minister of Gibraltar. The leader of the Gibraltar Social Democratic Party, Mr. Peter Caruana, who obtained 3,065 votes, became leader of the Opposition. 7/

C. Future status

17. In his address to the General Assembly on 30 September 1993, Mr. Javier Solana Madariaga, Foreign Minister of Spain stated (see A/48/PV.11):

> "Once again this year I have to mention a matter, that, as the Assembly knows, is of fundamental importance to Spain, namely, the decolonization of Gibraltar. I wish to reiterate my Government's firm decision to continue the process of negotiation with the United Kingdom in a constructive spirit and on the basis of the Brussels Declaration of 27 November 1984. Those negotiations should duly take into account the legitimate interests of the population, but be based on the doctrine established by the General Assembly that the decolonization of Gibraltar is not a case of self-determination but the restoration of the territorial integrity of Spain. The Spanish Government firmly hopes that those negotiations will finally eliminate this anachronism."

18. Mr. Douglas Hurd, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, made no reference to Gibraltar in his address to the General Assembly on 28 September 1993 (see A/48/PV.6).

19. On 24 November 1993, in a keynote address to a conference on British dependent Territories entitled "Progress through Development", Mr. Douglas Hurd, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, stated:

> "Gibraltar is a particular case, the most obvious peculiarity is that it is the only British dependent Territory within the European Union and it is there by virtue of the United Kingdom's Treaty of Accession. Secondly, and perhaps less obviously, independence is not a practical option for Gibraltar without the consent of its neighbour. It does not, therefore, have unfettered scope to choose its own status. But equally it is not true to us, the British Government, a metropolitan Power, that no change in the status can be forced on Gibraltarians and that is why we have as successive British Governments reiterated the guarantees to the people of Gibraltar set out in their 1969 Constitution."

Position of the Government of Gibraltar

20. The Chief Minister of Gibraltar, Mr. Joe Bossano, outlining the position of his Government at the above-mentioned conference (see para. 19) stated that various options of self-determination had been considered by Gibraltar. On the question of Gibraltar's position in the European Union, Mr. Bossano said that Gibraltar would be envious of some of the Dutch and French Territories, which were integrated with the metropolis but had total self-government. The Chief Minister emphasized that although independence might not be the only route of self-determination, one should not neglect the case of Andorra, where a referendum had led to independence and a seat at the United Nations. Mr. Bossano criticized any reference to the Treaty of Utrecht when considering the future of Gibraltar. 8/

21. Referring to the role of administering Powers, the Chief Minister said that, in his opinion, it was a type of trusteeship in which they should carry out duties on behalf of the people, in the way trustees of a pension fund did for pensioners. He pointed out that the United Kingdom had a moral and international obligation to defend Gibraltar. 8/

22. Characterizing the status of relations between Gibraltar and the United Kingdom, Mr. Bossano emphasized the strength of feeling of Gibraltarians as a people of great loyalty to and affection for Britain. He said that there was a common culture and heritage, including political systems. Mr. Bossano also stated:

> "We should not be told by the metropolis what we are going to handle. We should tell them what we think we cannot handle and what we require them to do on our behalf ... In the areas where they handle external affairs, these matters are being handled on our behalf and must therefore not be made subservient to the interests of that State which is acting as our agent."

In the view of the Chief Minister, such an approach would lead to a more equal partnership. 8/

23. According to press reports, 9/ on 24 February 1994, the leader of the Opposition, Mr. Peter Caruana, criticized the territorial Government for political recklessness with Gibraltar's future, which was resulting in Gibraltar's unnecessary and increasing isolation and impoverishment. He was particularly concerned with the territorial Government's secrecy and lack of financial accountability.

24. Also according to press reports, 10/ on 24 February 1994, the leader of GNP, Mr. Joseph Garcia, made a statement in which he called upon Gibraltarians to create a national salvation front. He stated:

> "It is clear that the threats to Gibraltar from the outside continue to mount, with pressure from Britain, Spain and the European Union in certain quarters. The National Party considers that in the best historical traditions of the Gibraltarians, it is vitally important that there should be unity in fundamental matters ... It is equally important that consideration be given to setting up a national salvation front to deal with the serious threats to our very existence ... It is imperative that we get our act together and realize that we are all Gibraltarians and that the best way to achieve our objective is to stand together against these threats." 10/

Anglo-Gibraltar negotiations

25. According to press reports, 11/ a round of talks between the representatives of the administering Power and the territorial Government took place in London in February 1994. The same sources indicate that among the issues discussed during those negotiations were the following: the future status of Gibraltar, its status in the European Union, constitutional developments in the Territory, and sustainable economic growth in Gibraltar.

Anglo-Spanish negotiations

26. The negotiating process established by the Brussels Joint Communiqué of 27 November 1984 was aimed at overcoming all differences over Gibraltar by promoting cooperation between the parties concerned, on a mutually beneficial basis, as well as by discussing the issues of sovereignty.

27. It will be recalled that the United Kingdom reportedly maintained that since Gibraltar was part of the European Community (subsequently renamed the European Union) under article 227 of the Treaty of Rome, exempting Gibraltar from the External Frontiers Convention or making its inclusion subject to a bilateral frontiers agreement would be contrary to Gibraltar's status within the European Union (see A/AC.109/1074 and Corr.1, para. 15).

28. It will also be recalled that the Foreign Affairs Committee of the Congress of Deputies of Spain, at its meeting on 2 October 1991, had adopted the following non-legislative proposal submitted by the Grupo Parlamentario de Izquierda Unida-Iniciativa por Catalunya (No. 161/265), which was unanimously approved by parliamentary groups:

"The Congress of Deputies urges the Government not to sign agreements on the external frontiers of the European Community that might imply the perpetuation of its current status or detriment to the position of Spain in the negotiations to bring about the decolonization of Gibraltar and its reincorporation into the territory of Spain."

29. On 28 October 1993, the European Parliament adopted a resolution on the crossing of the EC external borders, in which it, inter alia, proposed that the disputed status of Gibraltar airport should be excluded from the issue of free movement of persons.

30. In February 1994, the Foreign Minister of Spain and the Foreign Secretary of the United Kingdom, during their meeting in Coto de Doñana, Huelva, Spain, discussed, inter alia, the question of Gibraltar in the context of the European Union. 12/

31. On 20 April 1994, the Congress of Deputies of Spain adopted the following resolution: 13/

"The Congress of Deputies urges the Government to take all necessary measures to regain the exercise of Spanish sovereignty over Gibraltar and to eliminate the British colonial presence."

32. According to press reports on 17 May 1994, 14/ it was announced that the next round of Anglo-Spanish talks had been postponed.

Airport Agreement

33. As previously reported, according to the administering Power and subject to the necessary legislation being put in place, the United Kingdom and Spain had agreed to the development of Gibraltar airport jointly coordinated by the British and Spanish authorities; the British Government had made clear at the time that they would not impose it on Gibraltar if the latter did not wish to implement it (see also A/AC.109/1007, paras. 22 and 23; and A/AC.109/1074 and Corr.1, paras. 17-23).

34. The Foreign Minister of Spain is also reported to have stated that the Airport Agreement, as well as EU civil aviation legislation related thereto, would remain valid without time limitation and would continue to impede the opening of the airport of Gibraltar for European communications. He further expressed his belief that the population of Gibraltar would sooner or later become aware of the grave consequences of that situation. He also referred to the non-legislative proposal regarding the agreement on the external frontiers of EU adopted by the Spanish Congress of Deputies (see para. 28).

35. During the period under review, the Airport Agreement continued to be a major issue in the Anglo-Spanish negotiations. Both parties maintained their positions on the question of the implementation of that Agreement.

D. Other developments

36. According to press reports, Rear Admiral Jeremy Sanders, the Commander of the British Forces in Gibraltar, stated on 20 September 1993 that Britain's defence responsibilities and essential needs in Gibraltar could probably be met with a significantly smaller resident garrison. Rear Admiral Sanders reportedly referred to the announcement made by the United Kingdom Ministry of Defence in December 1993 to the effect that during the period from 1992 to 1996, the Gibraltar garrison manpower and costs would be decreased by 30 per cent and 50 per cent respectively. Local press reports in February 1994 revealed that the Ministry of Defence was considering further reductions over and above those already announced. 15/ The same sources indicated that the territorial Government had on several occasions expressed its concern over the possible negative impact of the announced cuts in the Gibraltar garrison on the economy of the Territory. 16/

37. According to press reports, 17/ three Russian warships, Bessmeny, Druzhniy and Legkiy, visited Gibraltar from 5 to 9 August 1993, and participated in a number of activities together with HMS Brilliant of the Royal Navy.

E. Public service

38. The Public Service Commission, consisting of five members, advises the Governor on appointments and on the removal and discipline of public officers. Appointments to higher offices are made by the Secretary of State for Foreign and Commonwealth Affairs. The principal executive officers are the Deputy Governor, the Administrative Secretary, the Attorney-General and the Financial and Development Secretary.

V. ECONOMIC CONDITIONS

A. General

39. Gibraltar has no known natural resources and lacks agricultural land. The industries, trades and services in the Territory are mainly involved in supplying the needs of its population and of the large number of visitors to the Territory. The economy of Gibraltar is largely dependent on tourism and the provision of financial services such as banking, insurance, shipping and portfolio management. The Territory's per capita gross domestic product for 1990/91 was estimated at £8,271 and the per capita gross national product at £8,486, compared to £6,503 and £6,723 respectively in 1989/90. The inflation rate, which was 7.8 per cent in 1991, had declined to 5.9 per cent by the end of 1992. 18/

40. According to press reports, 19/ in March 1994, Mr. T. Richardson, Gibraltar's Coordinator at the United Kingdom Foreign Office, visited the Territory with a view to studying the economic situation and assisting the Territory in achieving economic self-sufficiency. Mr. Richardson reportedly established an Anglo-Gibraltar Joint Economic Forum, which is expected to explore possible avenues for the Gibraltar economy.

41. Press reports indicated that the Anglo-Gibraltar Joint Economic Forum had held its first meeting on 15 March 1994 in Gibraltar. The Forum would focus more closely on obtaining European Union funds for investment in Gibraltar. The Forum established two subcommittees, one entrusted specifically with the task of safeguarding employment and encouraging private sector investment. In expressing their satisfaction at the Forum meeting, officials in Gibraltar reportedly stated that the British Government and Gibraltar were for the first time sitting around the table talking bread and butter issues rather than theories. 20/

B. Public finance

42. As reported previously (see A/AC.109/1164, paras. 31-34), in the 1990/91 fiscal year, the last year for which data are available, revenue totalled £90.8 million and recurrent expenditures amounted to £67.3 million.

43. As at 31 March 1991, the public debt of Gibraltar stood at £33.6 million.

44. The legal tender of the Territory is the pound sterling. The Government of Gibraltar's currency notes of £50, £20, £10, £5 and £1 denominations, as well as its coins, are legal tender. The notes in circulation as at 31 March 1991 amounted to £12.12 million.

C. Trade

45. The total amount of imports and exports in 1991, the last year for which data are available, were £278.9 million and £70.1 million, respectively. Exports of goods of local origin remained negligible and the Territory continued to depend on the entrepôt trade, consisting of re-exports of petroleum and petroleum products supplied to shipping. Approximately 31 per cent of Gibraltar's non-fuel imports originated from the United Kingdom. Japan, Spain and Denmark were the Territory's other main sources of supplies. In 1991, foodstuffs accounted for approximately £27 million, or almost 10 per cent of Gibraltar's total imports.

D. Investment, finance and banking

46. Activities of investment, banking and financial institutions in Gibraltar are regulated in accordance with the Companies (Taxation and Concession) Ordinance. These business concerns are exempt from the payment of income tax, irrespective of the amount of profits made, and applies to dividends, interests and directors' fees and annual payments made to non-residents. Shares and debentures held in an exempt company are also not liable to estate duty in the Territory. Unless otherwise authorized, the above concerns may not carry on trade or conduct business in Gibraltar, and no Gibraltarian or residents of the Territory may have beneficial interest in such a company's shares.

47. At the end of 1991, the last year for which data are available, 12,390 companies were registered and licensed in Gibraltar.

48. During the period under review, the territorial Government continued its efforts to promote Gibraltar as an international financial centre. These efforts are currently being discussed between the administering Power and the Government of Gibraltar.

49. According to press reports, on 12 April 1994, 21/ it was announced that the financial services provided in Gibraltar would adhere to United Kingdom standards following an agreement between the two Governments. The Financial Services Commission of Gibraltar, the regulator of the financial services sector, will be appointed by, and accountable to, the Government of the United Kingdom, thereby enabling the United Kingdom to meet its responsibilities vis-à-vis the European Union. The Financial Services Commission will operate independently of both Governments. The same source indicated that the Government of Spain had expressed doubts about allowing a separate licensing authority in Gibraltar, which is part of the European Union and for whose external relations the United Kingdom is responsible. Press reports also indicate that the Government of Gibraltar had expressed its dissatisfaction with the decision of the administering Power on taking over authority for the appointment of the Financial Services Commission of Gibraltar. 22/

50. According to press reports, 23/ a Danish company, Baltica, has been investigated and is at present being prosecuted in Denmark for allegedly having paid approximately £800,000 to the Gibraltar authorities in order to obtain approval for two projects in Gibraltar. The cost of those projects, entitled Europort and Eurotowers, had been estimated at £5.4 million.

E. Transportation, communications and utilities

51. Gibraltar has approximately 43 kilometres of roads, including some 13 kilometres in the city proper. Five bus routes serviced by 16 buses maintain communications between all parts of the city, and the north and south districts. As at 31 December 1991, a total of 30,319 vehicles were registered in the Territory.

52. In 1991, a total of approximately 97,000 persons arrived in the Territory by air and 64,000 by sea. Gibraltar Airways maintains daily scheduled services to the United Kingdom and to Morocco. Most passengers arriving in the Territory by sea arrive by cruise ship or from the Moroccan port of Tangier. As reported previously (see A/AC.109/1116, paras. 29 and 30), Spain has not given permission for the resumption of the ferry service between Gibraltar and the Spanish port of Algeciras, although the Government of Spain had approved resumption by an order dated 31 January 1985. 24/

53. Airmail is dispatched by direct flight to London and via London to all destinations world wide six times a week. Letters and parcels by surface mail to and from the United Kingdom are received and dispatched via the land border five times a week.

54. Telecommunications services in the Territory are provided by Gibraltar Telecommunications, Ltd. The local telephone system is operated by Gibraltar Nynex Communications, Ltd., a joint-venture company formed in May 1990 between

the Government of Gibraltar and the Nynex International Company of the United States of America. In 1990, a new digital system and exchange became operational with a capacity of 14,000 lines. By the end of the following year the capacity had increased to 16,000. The total number of telephone stations amounted to 17,867 in December 1991, an increase of 1,108 over 1990.

55. The Electricity Department of the Government of Gibraltar continued to be responsible for the electricity supply of the Territory. During the period under review, a total of 91,555,050 kilowatt-hours were generated.

56. Four newspapers and periodicals are published in the Territory: The Gibraltar Chronicle, a daily newspaper that appears only in the English language; and The Panorama, The People and Vox, weekly periodicals published in both the English and Spanish languages.

57. Since its establishment in 1963, the Gibraltar Broadcasting Corporation (GBC) has been responsible for providing radio and television services to the Territory. GBC Radio (Radio Gibraltar) broadcasts in English and Spanish 24 hours a day. In addition to live and locally recorded programmes, transcriptions and relays by the British Broadcasting Corporation are also used. GBC Television operates for 18 hours a day in the English language. At the end of 1991, there were 7,898 licensed television sets in Gibraltar. Radio sets do not need to be licensed.

VI. SOCIAL AND EDUCATIONAL CONDITIONS

A. Labour

58. As at December 1991, the last year for which data are available, the workforce in Gibraltar totalled 14,581 and the total number of unemployed stood at 1,061. Unemployment benefits were paid out of the Social Insurance Fund. Since 1978, public sector wages and salaries have been equated at full parity with those in the United Kingdom.

59. During the period under review, the situation regarding some 380 unemployed Moroccan workers in the Territory continued to be a source of controversy between the Government of Gibraltar and TGWU, the main trade union in the Territory, to which many of the unemployed workers belong. Most are unskilled workers who have lived in Gibraltar for many years but have poor prospects for re-employment owing to the decline in the construction industry and to general adverse economic conditions. 20/

60. According to press reports in March 1994, 25/ 268 out of a total of 288 Moroccan workers employed in various government departments of Gibraltar accepted an offer for voluntary early retirement from the territorial Government and for subsequent repatriation to their country of origin. The early retirement package would be applied to all Moroccan workers irrespective of age and would include an index-linked pension based on duration of service, a tax-free gratuity, a 13-week lump-sum unemployment benefit and return travel fare to Morocco. It is expected that the index-linked pensions to be paid

during the first year would total approximately £800,000, in addition to lump-sum payments of gratuities of around £2.5 million.

61. According to press reports, 26/ in conformity with a decision of the administering Power, the Gibraltar Social Insurance Fund was liquidated as at 31 December 1993. In that connection, on 24 January 1994, the European Parliament adopted a resolution requesting the Commission of the European Communities to take the necessary steps to obtain the most detailed information possible from the United Kingdom on the decision by British authorities to dissolve and liquidate that Fund on 31 December 1993. The Parliament noted that the Fund had provided social insurance for workers on behalf of third parties in Gibraltar. The European Parliament further recalled that workers in the European Union had the right to move freely throughout EU territory and to enjoy sufficient social protection. It invited the Commission of the European Communities to ensure respect for the appropriate provisions of the treaties and of the related 1971 regulations. The European Parliament emphasized that the abolition of the Gibraltar Social Insurance Fund would cause nearly 7,500 retired Spanish workers to lose more than 2,000 million pesetas annually. 27/

B. Human rights and the status of women

62. The Gibraltar (Constitution) Order of 1969 guarantees the protection of the fundamental rights and freedoms of the individual and the maintenance of a Supreme Court with unlimited jurisdiction to hear and determine any civil or criminal proceedings under any law and with such jurisdiction and powers as are conferred upon it by the Constitution of Gibraltar, or any other law. The courts of law of the Territory consist of a Court of First Instance, a Magistrates' Court, a Court of Appeal and a Supreme Court.

63. The Substantive Law of the Territory is contained in Orders in Council and enactments of the Parliament of the United Kingdom that apply to Gibraltar, as well as in locally enacted ordinances, subsidiary legislation, the common law and the rules of equity in force in the United Kingdom, so far as they are applicable to the Territory.

64. The status of women in Gibraltar, whether married or single, and with or without family responsibilities, is similar to that enjoyed by women in the United Kingdom.

65. The Social Security (Insurance) Ordinance of Gibraltar provides for the payment of a variety of benefits and allowances to expectant mothers and widows. A maternity grant of up to £36 is payable to qualified women for every child born to them. A widow's allowance is payable for the first 13 weeks of widowhood at a standard rate of £56.70 per week; an additional sum of £6.90 per week is payable for each child up to a maximum of four children. Thereafter, a widowed mother's allowance would be given at the standard rate of £47.80 per week, with an increase of £6.90 weekly for each dependent child.

C. Crime and crime prevention

66. During 1991, the last year for which data are available, 1,188 minor and 3,605 serious crimes were reported, compared to 1,433 and 3,385 respectively, in 1990. The reported serious crimes were as follows (in parentheses are the figures for the same type of offence in 1990): violence against individuals, 437 (641); sexual offences, 30 (21); burglary, 294 (229); robbery, 12 (10); theft, 1,485 (1,386); criminal damage, 705 (615); dangerous drugs, 527 (407); and other offences, 115 (76).

67. There is one correctional institution in Gibraltar. It comprises 36 cells, a sick bay, recreation rooms, workshop, classroom, canteen, laundry, kitchen, visit halls, chapel, a library containing over 4,000 books and a small gymnasium. The number of prisoners held in 1991 was 193, the daily average inmate population being 26 as compared with 23 in 1990. The supervision of the prison is carried out by the Prison Board in accordance with the Prison Ordinance of the Territory.

68. According to press reports, 28/ on 27 May 1994, the Director-General for European Affairs of Spain presented an official complaint to the Ambassador of the United Kingdom to Madrid in connection with drug trafficking from and through Gibraltar. The Government of Spain reportedly requested the United Kingdom's cooperation in the prevention of narco-trafficking and other illicit transshipments from and through Gibraltar.

D. Environment

69. The Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora has been extended to apply to Gibraltar as a dependent Territory for which the United Kingdom, a contracting party to the Convention, has responsibility. The Endangered Species (Imports and Exports) Ordinance of 1976 gave effect in the Territory to the provisions of the Washington Convention. The Animals and Birds Ordinance protects fauna in the Territory and the Heritage Trust Ordinance provides for the protection of sites of natural beauty and scientific interest.

70. On 27 January 1994, a Spanish non-governmental ecological organization, Verdemar, communicated to the Commission of the European Communities a complaint alleging that Gibraltar had been failing to fulfil its obligations with regard to the preservation of the environment of the Catalán Bay. That complaint is to be examined by the relevant organs of the Commission of the European Communities. 29/

71. In April 1994, a Spanish non-governmental organization, the Asociación Gaditana para la Defensa y Estudio de la Naturaleza, communicated to the Commission of the European Communities a request to examine the capacity and technology used by incinerators in Gibraltar, alleging that those installations were creating additional residual waste contamination problems for Europe. 30/

E. Housing

72. During 1989 and 1990, an extensive sea reclamation scheme carried out in the harbour waters increased the land area of the Territory by 5 per cent over the previous area of 584 hectares. The reclaimed land has increased the total flat land of Gibraltar by 10 per cent.

73. Overcrowding is considered a major social problem in the Territory. According to the 1991 population census, Gibraltar had an average population density of 45.8 persons per hectare, excluding servicemen, visitors and transients. It has been estimated that 14 per cent of the housing stock is overcrowded.

74. According to press reports, 31/ the territorial Government introduced a new housing policy in January 1994. Under the new policy, low-income families who live in acutely overcrowded and poor sanitary conditions would be considered eligible to obtain government-owned dwellings.

F. Public health

75. The Government's medical and health services consist of hospital services, medical treatment by specialists outside government hospitals where such treatment is beyond the scope of local resources, child welfare and school health services, domiciliary and out-patient treatment of persons coming under the scope of the District Medical Service, the Domiciliary Medical Service, the Ports and Airport Health Service and the Environmental Health Service and Laboratories.

76. The state of health and nutrition is reported to be good and to comply with the standards expected in developed countries. There have been no outbreaks of epidemic or endemic diseases. The principal causes of death are cardiovascular, cerebrovascular, malignant and respiratory (excluding neoplasms) diseases.

77. The main health facility in the Territory is the St. Bernard Hospital. It has a total of 192 beds and provides comprehensive out-patient services and in-patient treatment for serious medical and surgical cases. Patients from neighbouring areas of Spain also use the hospital for treatment and hospitalization. In addition, the hospital has a maternity section and two wards for elderly patients. Psychiatric treatment is provided by the King George V Psychiatric Unit, which has accommodation for 60 patients. A health centre provides general practice surgery as well as child welfare and school medical services. Certain medical specialties not provided by the Gibraltar public health facilities are covered by a programme of visits by consultants from the United Kingdom.

G. Education

78. Education is free for all children up to "A" level standard and is compulsory for those between 5 and 15 years of age. At the end of 1991, 2,930 pupils were enrolled in the 12 government primary schools, 231 in the one

private primary school and 436 in the two services primary schools, making a total of 3,597 students. The language of instruction is English, while Spanish is taught as a second language, particularly in the secondary schools. In 1991, there was a total of 322 teachers for all schools in the Territory.

79. Press reports indicate that in January 1994, following the decision to abolish the national school curriculum by the Government of the United Kingdom, the Government of Gibraltar established a working group charged with examining possible implications of that decision. The Gibraltar territorial Minister of Education, Mr. Joe Moss, argued that Gibraltar, which had been following the United Kingdom national curriculum, should also redirect the emphasis in education on vocational aspects and scrap the national curriculum. 32/

80. Technical and vocational training is provided at the two government comprehensive secondary schools and at the Gibraltar College of Further Education. This college comprises two separate departments (technology, and business and commercial studies), which conduct a variety of courses leading to national diploma certificates.

81. The Government of Gibraltar and a number of private institutions provide scholarships to young persons who have the ability and the necessary qualifications to pursue a college-level education. Most of these students travel to the United Kingdom to complete their university degree.

Notes

1/ The information contained in the present paper has been derived from published reports.

2/ For details, see Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 23 (A/7623/Rev.1), vol. III, chap. XI, annex, paras. 7-23.

3/ The Gibraltar Chronicle, 22 March 1993.

4/ Ibid., 17 August 1993.

5/ Ibid., 11 February 1994.

6/ The Gibraltar Chronicle, 17 January 1992; see also Le Monde (Paris), 19-20 January 1992.

7/ The Gibraltar Chronicle, 17 January 1992.

8/ Ibid., 25 November 1993.

9/ Ibid., 25 February 1994.

10/ Ibid., 26 February 1994.

11/ Ibid., 15, 18 and 19 February 1994.

12/ Ya (Madrid), 27 February 1994.

13/ Resolution No. 24 of 20 April 1994 of the Congress of Deputies, Madrid.

14/ Ibid., 17 March 1994.

15/ Ibid., 21 September 1993 and 4 February 1994.

16/ Ibid., 16 October and 16 November 1993, and 5 February 1994.

17/ Ibid., 6 August 1993.

18/ ABC (Madrid), 23 September 1992; see also Ya (Madrid), 23 September 1993.

19/ The Gibraltar Chronicle, 12 March 1994.

20/ Ibid., 16 March 1994.

21/ The Financial Times (London), 12 April 1994.

22/ The Gibraltar Chronicle, 14 and 15 September 1993; 9 October 1993; 8 and 23 November 1993; and 5, 17 and 22 February 1994.

23/ The Observer (London), 3 December 1993 and 7 March 1994; see also Europa Sur (Madrid), 16 March 1994 and 27 April 1994; and El Pais (Madrid), 15 March 1994.

24/ Boletín del Estado, No. 30, February 1985, Madrid.

25/ The Gibraltar Chronicle, 23 March 1994.

26/ ABC (Madrid), 2 and 4 January 1994.

27/ Europe, Agence Europe, Strasbourg, No. 6155, 24/25 January 1994.

28/ ABC (Madrid), 3 June 1994.

29/ Europa Sur (Madrid), 2 November 1993 and 12 April 1994; see also Europa Press (Cadiz), 11 April 1994.

30/ Europa Sur (Madrid), 17 April 1994.

31/ Ibid., 13 January 1994.

32/ Ibid., 10 January 1994.

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WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL COUNTRIES
AND PEOPLES

GIBRALTAR

Working paper prepared by the Secretariat

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GIBRALTAR 1/

I. GENERAL

1. Gibraltar is a narrow peninsula extending southward from the south-west coast of Spain, to which it is connected by an isthmus about 1.6 kilometres long. The Spanish port of Algeciras lies 8 kilometres across the bay to the west; the continent of Africa is situated 32 kilometres across the Strait to the south. According to the United Kingdom of Great Britain and Northern Ireland, the area of Gibraltar is 5.86 square kilometres, and according to Spain, it is 4.8 square kilometres.

2. According to the census of Gibraltar taken on 14 October 1991, Gibraltar's civilian population in 1991 was 28,074, consisting of 20,022 Gibraltarians, 5,182 other British subjects, including families of British servicemen stationed in Gibraltar, but excluding servicemen, and 2,870 aliens.

II. ACTION BY THE GENERAL ASSEMBLY

3. The Special Political and Decolonization Committee (Fourth Committee) considered the question of Gibraltar at its 3rd, 8th and 13th meetings, on 12, 25 and 29 October 1993, respectively.

4. At the 3rd meeting, on 12 October, with the Committee's consent, the Honourable Joe Bossano, Chief Minister of Gibraltar, made a statement in which he stated, inter alia (A/C.4/48/SR.3, para. 29): "The sense of identity of the people of Gibraltar has grown and deepened. The people of Gibraltar love their homeland and seek recognition of their identity by the family of nations."

5. At the 8th meeting, on 25 October, the Chairman of the Special Political and Decolonization Committee (Fourth Committee) drew attention to a draft consensus on the question of Gibraltar submitted by him and contained in document A/C.4/48/L.6 (see A/C.4/48/SR.8).

6. At its 13th meeting, on 29 October, the Special Political and Decolonization Committee (Fourth Committee) adopted draft resolution A/C.4/48/L.6 without objection (A/C.4/48/SR.13).

7. On 10 December 1993, the General Assembly, on the recommendation of the Special Political and Decolonization Committee (Fourth Committee), adopted the following text without a vote as representing the consensus of the members of the Assembly:

> "The General Assembly, recalling its decision 47/411 of 25 November 1992 and recalling at the same time that the statement agreed to by the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland at Brussels on 27 November 1984 (A/39/732, annex), stipulates, inter alia, the following:
>
> 'The establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar and at promoting

cooperation on a mutually beneficial basis on economic, cultural, touristic, aviation, military and environmental matters. Both sides accept that the issues of sovereignty will be discussed in that process. The British Government will fully maintain its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution',

takes note of the fact that, as part of this process, the Ministers for Foreign Affairs of Spain and the United Kingdom of Great Britain and Northern Ireland have held annual meetings alternately in each capital, the most recent of which took place at Madrid on 1 March 1993, and urges both Governments to continue their negotiations with the object of reaching a definitive solution to the problem of Gibraltar in the light of relevant resolutions of the General Assembly and in the spirit of the Charter of the United Nations."

III. CONSIDERATION BY THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

8. The Special Committee considered the question of Gibraltar at its 1421st meeting, on 14 July 1993.

9. At the same meeting, with the Special Committee's consent, the Honourable Joe Bossano, Chief Minister of Gibraltar, made a statement in which he said, inter alia (A/AC.109/PV.1421, p. 18): "We Gibraltarians are committed to the eradication of colonialism; we demand our right as a colonial people, and seek the protection of the Committee in ensuring preservation of this right."

10. At the same meeting, the representative of Spain reiterated the position of his Government on the question of Gibraltar (A/AC.109/PV.1421).

11. Also at its 1421st meeting (see A/AC.109/PV.1421), the Special Committee decided without objection to continue its consideration of the item at its next session, subject to any directives the General Assembly might give at its forty-eighth session. The Committee also decided to transmit the relevant documentation to the Assembly in order to facilitate consideration of the item by the Special Political and Decolonization Committee (Fourth Committee).

IV. POLITICAL DEVELOPMENTS

A. General

12. The 1969 Constitution of the Territory remains in effect. 2/ It provides for a single House of Assembly consisting of 15 elected members, together with a Speaker, the Attorney-General and the Financial Development Secretary as ex officio members. Executive authority is vested in the Governor, who is responsible for defence, external affairs, internal security and all matters that are not expressly defined as being of domestic concern.

13. Sir John Chapple took up the Office of Governor of Gibraltar in April 1993. He succeeded Sir Derek Reffell, who had held that position from 1989 to 1993. 3/

14. According to press reports, in August 1993, the Gibraltar National Party (GNP) called for constitutional reform. GNP was particularly critical about the reserve powers of the Governor of the Territory and argued that the right of the Governor to take decisions unilaterally without consulting the territorial Legislative Assembly was anachronistic and could undermine democracy. 4/

15. According to press reports, 5/ in February 1994, the Transport and General Workers' Union (TGWU), the main trade union in the Territory, called for reform of the Constitution of Gibraltar and for the abolition of the Governor's reserve powers. The trade union also suggested the establishment of a tripartite economic and social council with the participation of the territorial Government, trade unions and the Chamber of Commerce, which would be in charge of formulating socio-economic policy.

B. General elections

16. It will be recalled that the general elections for the 15 seats in the House of Assembly were held on 17 January 1992. The Gibraltar Socialist Labour Party (GSLP) received 73.07 per cent of the votes, winning eight seats, while GNP, with 4.66 per cent of the votes, failed to obtain an Assembly seat. 6/ Mr. Joe Bossano, the leader of GSLP, received 9,228 votes and thus was re-elected Chief Minister of Gibraltar. The leader of the Gibraltar Social Democratic Party, Mr. Peter Caruana, who obtained 3,065 votes, became leader of the Opposition. 7/

C. Future status

17. In his address to the General Assembly on 30 September 1993, Mr. Javier Solana Madariaga, Foreign Minister of Spain stated (see A/48/PV.11):

> "Once again this year I have to mention a matter, that, as the Assembly knows, is of fundamental importance to Spain, namely, the decolonization of Gibraltar. I wish to reiterate my Government's firm decision to continue the process of negotiation with the United Kingdom in a constructive spirit and on the basis of the Brussels Declaration of 27 November 1984. Those negotiations should duly take into account the legitimate interests of the population, but be based on the doctrine established by the General Assembly that the decolonization of Gibraltar is not a case of self-determination but the restoration of the territorial integrity of Spain. The Spanish Government firmly hopes that those negotiations will finally eliminate this anachronism."

18. Mr. Douglas Hurd, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, made no reference to Gibraltar in his address to the General Assembly on 28 September 1993 (see A/48/PV.6).

19. On 24 November 1993, in a keynote address to a conference on British dependent Territories entitled "Progress through Development", Mr. Douglas Hurd, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, stated:

> "Gibraltar is a particular case, the most obvious peculiarity is that it is the only British dependent Territory within the European Union and it is there by virtue of the United Kingdom's Treaty of Accession. Secondly, and perhaps less obviously, independence is not a practical option for Gibraltar without the consent of its neighbour. It does not, therefore, have unfettered scope to choose its own status. But equally it is not true to us, the British Government, a metropolitan Power, that no change in the status can be forced on Gibraltarians and that is why we have as successive British Governments reiterated the guarantees to the people of Gibraltar set out in their 1969 Constitution."

Position of the Government of Gibraltar

20. The Chief Minister of Gibraltar, Mr. Joe Bossano, outlining the position of his Government at the above-mentioned conference (see para. 19) stated that various options of self-determination had been considered by Gibraltar. On the question of Gibraltar's position in the European Union, Mr. Bossano said that Gibraltar would be envious of some of the Dutch and French Territories, which were integrated with the metropolis but had total self-government. The Chief Minister emphasized that although independence might not be the only route of self-determination, one should not neglect the case of Andorra, where a referendum had led to independence and a seat at the United Nations. Mr. Bossano criticized any reference to the Treaty of Utrecht when considering the future of Gibraltar. 8/

21. Referring to the role of administering Powers, the Chief Minister said that, in his opinion, it was a type of trusteeship in which they should carry out duties on behalf of the people, in the way trustees of a pension fund did for pensioners. He pointed out that the United Kingdom had a moral and international obligation to defend Gibraltar. 8/

22. Characterizing the status of relations between Gibraltar and the United Kingdom, Mr. Bossano emphasized the strength of feeling of Gibraltarians as a people of great loyalty to and affection for Britain. He said that there was a common culture and heritage, including political systems. Mr. Bossano also stated:

> "We should not be told by the metropolis what we are going to handle. We should tell them what we think we cannot handle and what we require them to do on our behalf ... In the areas where they handle external affairs, these matters are being handled on our behalf and must therefore not be made subservient to the interests of that State which is acting as our agent."

In the view of the Chief Minister, such an approach would lead to a more equal partnership. 8/

23. According to press reports, 9/ on 24 February 1994, the leader of the Opposition, Mr. Peter Caruana, criticized the territorial Government for political recklessness with Gibraltar's future, which was resulting in Gibraltar's unnecessary and increasing isolation and impoverishment. He was particularly concerned with the territorial Government's secrecy and lack of financial accountability.

24. Also according to press reports, 10/ on 24 February 1994, the leader of GNP, Mr. Joseph Garcia, made a statement in which he called upon Gibraltarians to create a national salvation front. He stated:

> "It is clear that the threats to Gibraltar from the outside continue to mount, with pressure from Britain, Spain and the European Union in certain quarters. The National Party considers that in the best historical traditions of the Gibraltarians, it is vitally important that there should be unity in fundamental matters ... It is equally important that consideration be given to setting up a national salvation front to deal with the serious threats to our very existence ... It is imperative that we get our act together and realize that we are all Gibraltarians and that the best way to achieve our objective is to stand together against these threats." 10/

Anglo-Gibraltar negotiations

25. According to press reports, 11/ a round of talks between the representatives of the administering Power and the territorial Government took place in London in February 1994. The same sources indicate that among the issues discussed during those negotiations were the following: the future status of Gibraltar, its status in the European Union, constitutional developments in the Territory, and sustainable economic growth in Gibraltar.

Anglo-Spanish negotiations

26. The negotiating process established by the Brussels Joint Communiqué of 27 November 1984 was aimed at overcoming all differences over Gibraltar by promoting cooperation between the parties concerned, on a mutually beneficial basis, as well as by discussing the issues of sovereignty.

27. It will be recalled that the United Kingdom reportedly maintained that since Gibraltar was part of the European Community (subsequently renamed the European Union) under article 227 of the Treaty of Rome, exempting Gibraltar from the External Frontiers Convention or making its inclusion subject to a bilateral frontiers agreement would be contrary to Gibraltar's status within the European Union (see A/AC.109/1074 and Corr.1, para. 15).

28. It will also be recalled that the Foreign Affairs Committee of the Congress of Deputies of Spain, at its meeting on 2 October 1991, had adopted the following non-legislative proposal submitted by the Grupo Parlamentario de Izquierda Unida-Iniciativa por Catalunya (No. 161/265), which was unanimously approved by parliamentary groups:

"The Congress of Deputies urges the Government not to sign agreements on the external frontiers of the European Community that might imply the perpetuation of its current status or detriment to the position of Spain in the negotiations to bring about the decolonization of Gibraltar and its reincorporation into the territory of Spain."

29. On 28 October 1993, the European Parliament adopted a resolution on the crossing of the EC external borders, in which it, inter alia, proposed that the disputed status of Gibraltar airport should be excluded from the issue of free movement of persons.

30. In February 1994, the Foreign Minister of Spain and the Foreign Secretary of the United Kingdom, during their meeting in Coto de Doñana, Huelva, Spain, discussed, inter alia, the question of Gibraltar in the context of the European Union. 12/

31. On 20 April 1994, the Congress of Deputies of Spain adopted the following resolution: 13/

"The Congress of Deputies urges the Government to take all necessary measures to regain the exercise of Spanish sovereignty over Gibraltar and to eliminate the British colonial presence."

32. According to press reports on 17 May 1994, 14/ it was announced that the next round of Anglo-Spanish talks had been postponed.

Airport Agreement

33. As previously reported, according to the administering Power and subject to the necessary legislation being put in place, the United Kingdom and Spain had agreed to the development of Gibraltar airport jointly coordinated by the British and Spanish authorities; the British Government had made clear at the time that they would not impose it on Gibraltar if the latter did not wish to implement it (see also A/AC.109/1007, paras. 22 and 23; and A/AC.109/1074 and Corr.1, paras. 17-23).

34. The Foreign Minister of Spain is also reported to have stated that the Airport Agreement, as well as EU civil aviation legislation related thereto, would remain valid without time limitation and would continue to impede the opening of the airport of Gibraltar for European communications. He further expressed his belief that the population of Gibraltar would sooner or later become aware of the grave consequences of that situation. He also referred to the non-legislative proposal regarding the agreement on the external frontiers of EU adopted by the Spanish Congress of Deputies (see para. 28).

35. During the period under review, the Airport Agreement continued to be a major issue in the Anglo-Spanish negotiations. Both parties maintained their positions on the question of the implementation of that Agreement.

D. Other developments

36. According to press reports, Rear Admiral Jeremy Sanders, the Commander of the British Forces in Gibraltar, stated on 20 September 1993 that Britain's defence responsibilities and essential needs in Gibraltar could probably be met with a significantly smaller resident garrison. Rear Admiral Sanders reportedly referred to the announcement made by the United Kingdom Ministry of Defence in December 1993 to the effect that during the period from 1992 to 1996, the Gibraltar garrison manpower and costs would be decreased by 30 per cent and 50 per cent respectively. Local press reports in February 1994 revealed that the Ministry of Defence was considering further reductions over and above those already announced. 15/ The same sources indicated that the territorial Government had on several occasions expressed its concern over the possible negative impact of the announced cuts in the Gibraltar garrison on the economy of the Territory. 16/

37. According to press reports, 17/ three Russian warships, Bessmeny, Druzhniy and Legkiy, visited Gibraltar from 5 to 9 August 1993, and participated in a number of activities together with HMS Brilliant of the Royal Navy.

E. Public service

38. The Public Service Commission, consisting of five members, advises the Governor on appointments and on the removal and discipline of public officers. Appointments to higher offices are made by the Secretary of State for Foreign and Commonwealth Affairs. The principal executive officers are the Deputy Governor, the Administrative Secretary, the Attorney-General and the Financial and Development Secretary.

V. ECONOMIC CONDITIONS

A. General

39. Gibraltar has no known natural resources and lacks agricultural land. The industries, trades and services in the Territory are mainly involved in supplying the needs of its population and of the large number of visitors to the Territory. The economy of Gibraltar is largely dependent on tourism and the provision of financial services such as banking, insurance, shipping and portfolio management. The Territory's per capita gross domestic product for 1990/91 was estimated at £8,271 and the per capita gross national product at £8,486, compared to £6,503 and £6,723 respectively in 1989/90. The inflation rate, which was 7.8 per cent in 1991, had declined to 5.9 per cent by the end of 1992. 18/

40. According to press reports, 19/ in March 1994, Mr. T. Richardson, Gibraltar's Coordinator at the United Kingdom Foreign Office, visited the Territory with a view to studying the economic situation and assisting the Territory in achieving economic self-sufficiency. Mr. Richardson reportedly established an Anglo-Gibraltar Joint Economic Forum, which is expected to explore possible avenues for the Gibraltar economy.

41. Press reports indicated that the Anglo-Gibraltar Joint Economic Forum had held its first meeting on 15 March 1994 in Gibraltar. The Forum would focus more closely on obtaining European Union funds for investment in Gibraltar. The Forum established two subcommittees, one entrusted specifically with the task of safeguarding employment and encouraging private sector investment. In expressing their satisfaction at the Forum meeting, officials in Gibraltar reportedly stated that the British Government and Gibraltar were for the first time sitting around the table talking bread and butter issues rather than theories. 20/

B. Public finance

42. As reported previously (see A/AC.109/1164, paras. 31-34), in the 1990/91 fiscal year, the last year for which data are available, revenue totalled £90.8 million and recurrent expenditures amounted to £67.3 million.

43. As at 31 March 1991, the public debt of Gibraltar stood at £33.6 million.

44. The legal tender of the Territory is the pound sterling. The Government of Gibraltar's currency notes of £50, £20, £10, £5 and £1 denominations, as well as its coins, are legal tender. The notes in circulation as at 31 March 1991 amounted to £12.12 million.

C. Trade

45. The total amount of imports and exports in 1991, the last year for which data are available, were £278.9 million and £70.1 million, respectively. Exports of goods of local origin remained negligible and the Territory continued to depend on the entrepôt trade, consisting of re-exports of petroleum and petroleum products supplied to shipping. Approximately 31 per cent of Gibraltar's non-fuel imports originated from the United Kingdom. Japan, Spain and Denmark were the Territory's other main sources of supplies. In 1991, foodstuffs accounted for approximately £27 million, or almost 10 per cent of Gibraltar's total imports.

D. Investment, finance and banking

46. Activities of investment, banking and financial institutions in Gibraltar are regulated in accordance with the Companies (Taxation and Concession) Ordinance. These business concerns are exempt from the payment of income tax, irrespective of the amount of profits made, and applies to dividends, interests and directors' fees and annual payments made to non-residents. Shares and debentures held in an exempt company are also not liable to estate duty in the Territory. Unless otherwise authorized, the above concerns may not carry on trade or conduct business in Gibraltar, and no Gibraltarian or residents of the Territory may have beneficial interest in such a company's shares.

47. At the end of 1991, the last year for which data are available, 12,390 companies were registered and licensed in Gibraltar.

48. During the period under review, the territorial Government continued its efforts to promote Gibraltar as an international financial centre. These efforts are currently being discussed between the administering Power and the Government of Gibraltar.

49. According to press reports, on 12 April 1994, 21/ it was announced that the financial services provided in Gibraltar would adhere to United Kingdom standards following an agreement between the two Governments. The Financial Services Commission of Gibraltar, the regulator of the financial services sector, will be appointed by, and accountable to, the Government of the United Kingdom, thereby enabling the United Kingdom to meet its responsibilities vis-à-vis the European Union. The Financial Services Commission will operate independently of both Governments. The same source indicated that the Government of Spain had expressed doubts about allowing a separate licensing authority in Gibraltar, which is part of the European Union and for whose external relations the United Kingdom is responsible. Press reports also indicate that the Government of Gibraltar had expressed its dissatisfaction with the decision of the administering Power on taking over authority for the appointment of the Financial Services Commission of Gibraltar. 22/

50. According to press reports, 23/ a Danish company, Baltica, has been investigated and is at present being prosecuted in Denmark for allegedly having paid approximately £800,000 to the Gibraltar authorities in order to obtain approval for two projects in Gibraltar. The cost of those projects, entitled Europort and Eurotowers, had been estimated at £5.4 million.

E. Transportation, communications and utilities

51. Gibraltar has approximately 43 kilometres of roads, including some 13 kilometres in the city proper. Five bus routes serviced by 16 buses maintain communications between all parts of the city, and the north and south districts. As at 31 December 1991, a total of 30,319 vehicles were registered in the Territory.

52. In 1991, a total of approximately 97,000 persons arrived in the Territory by air and 64,000 by sea. Gibraltar Airways maintains daily scheduled services to the United Kingdom and to Morocco. Most passengers arriving in the Territory by sea arrive by cruise ship or from the Moroccan port of Tangier. As reported previously (see A/AC.109/1116, paras. 29 and 30), Spain has not given permission for the resumption of the ferry service between Gibraltar and the Spanish port of Algeciras, although the Government of Spain had approved resumption by an order dated 31 January 1985. 24/

53. Airmail is dispatched by direct flight to London and via London to all destinations world wide six times a week. Letters and parcels by surface mail to and from the United Kingdom are received and dispatched via the land border five times a week.

54. Telecommunications services in the Territory are provided by Gibraltar Telecommunications, Ltd. The local telephone system is operated by Gibraltar Nynex Communications, Ltd., a joint-venture company formed in May 1990 between

the Government of Gibraltar and the Nynex International Company of the United States of America. In 1990, a new digital system and exchange became operational with a capacity of 14,000 lines. By the end of the following year the capacity had increased to 16,000. The total number of telephone stations amounted to 17,867 in December 1991, an increase of 1,108 over 1990.

55. The Electricity Department of the Government of Gibraltar continued to be responsible for the electricity supply of the Territory. During the period under review, a total of 91,555,050 kilowatt-hours were generated.

56. Four newspapers and periodicals are published in the Territory: The Gibraltar Chronicle, a daily newspaper that appears only in the English language; and The Panorama, The People and Vox, weekly periodicals published in both the English and Spanish languages.

57. Since its establishment in 1963, the Gibraltar Broadcasting Corporation (GBC) has been responsible for providing radio and television services to the Territory. GBC Radio (Radio Gibraltar) broadcasts in English and Spanish 24 hours a day. In addition to live and locally recorded programmes, transcriptions and relays by the British Broadcasting Corporation are also used. GBC Television operates for 18 hours a day in the English language. At the end of 1991, there were 7,898 licensed television sets in Gibraltar. Radio sets do not need to be licensed.

VI. SOCIAL AND EDUCATIONAL CONDITIONS

A. Labour

58. As at December 1991, the last year for which data are available, the workforce in Gibraltar totalled 14,581 and the total number of unemployed stood at 1,061. Unemployment benefits were paid out of the Social Insurance Fund. Since 1978, public sector wages and salaries have been equated at full parity with those in the United Kingdom.

59. During the period under review, the situation regarding some 380 unemployed Moroccan workers in the Territory continued to be a source of controversy between the Government of Gibraltar and TGWU, the main trade union in the Territory, to which many of the unemployed workers belong. Most are unskilled workers who have lived in Gibraltar for many years but have poor prospects for re-employment owing to the decline in the construction industry and to general adverse economic conditions. 20/

60. According to press reports in March 1994, 25/ 268 out of a total of 288 Moroccan workers employed in various government departments of Gibraltar accepted an offer for voluntary early retirement from the territorial Government and for subsequent repatriation to their country of origin. The early retirement package would be applied to all Moroccan workers irrespective of age and would include an index-linked pension based on duration of service, a tax-free gratuity, a 13-week lump-sum unemployment benefit and return travel fare to Morocco. It is expected that the index-linked pensions to be paid

during the first year would total approximately £800,000, in addition to lump-sum payments of gratuities of around £2.5 million.

61. According to press reports, 26/ in conformity with a decision of the administering Power, the Gibraltar Social Insurance Fund was liquidated as at 31 December 1993. In that connection, on 24 January 1994, the European Parliament adopted a resolution requesting the Commission of the European Communities to take the necessary steps to obtain the most detailed information possible from the United Kingdom on the decision by British authorities to dissolve and liquidate that Fund on 31 December 1993. The Parliament noted that the Fund had provided social insurance for workers on behalf of third parties in Gibraltar. The European Parliament further recalled that workers in the European Union had the right to move freely throughout EU territory and to enjoy sufficient social protection. It invited the Commission of the European Communities to ensure respect for the appropriate provisions of the treaties and of the related 1971 regulations. The European Parliament emphasized that the abolition of the Gibraltar Social Insurance Fund would cause nearly 7,500 retired Spanish workers to lose more than 2,000 million pesetas annually. 27/

B. Human rights and the status of women

62. The Gibraltar (Constitution) Order of 1969 guarantees the protection of the fundamental rights and freedoms of the individual and the maintenance of a Supreme Court with unlimited jurisdiction to hear and determine any civil or criminal proceedings under any law and with such jurisdiction and powers as are conferred upon it by the Constitution of Gibraltar, or any other law. The courts of law of the Territory consist of a Court of First Instance, a Magistrates' Court, a Court of Appeal and a Supreme Court.

63. The Substantive Law of the Territory is contained in Orders in Council and enactments of the Parliament of the United Kingdom that apply to Gibraltar, as well as in locally enacted ordinances, subsidiary legislation, the common law and the rules of equity in force in the United Kingdom, so far as they are applicable to the Territory.

64. The status of women in Gibraltar, whether married or single, and with or without family responsibilities, is similar to that enjoyed by women in the United Kingdom.

65. The Social Security (Insurance) Ordinance of Gibraltar provides for the payment of a variety of benefits and allowances to expectant mothers and widows. A maternity grant of up to £36 is payable to qualified women for every child born to them. A widow's allowance is payable for the first 13 weeks of widowhood at a standard rate of £56.70 per week; an additional sum of £6.90 per week is payable for each child up to a maximum of four children. Thereafter, a widowed mother's allowance would be given at the standard rate of £47.80 per week, with an increase of £6.90 weekly for each dependent child.

C. Crime and crime prevention

66. During 1991, the last year for which data are available, 1,188 minor and 3,605 serious crimes were reported, compared to 1,433 and 3,385 respectively, in 1990. The reported serious crimes were as follows (in parentheses are the figures for the same type of offence in 1990): violence against individuals, 437 (641); sexual offences, 30 (21); burglary, 294 (229); robbery, 12 (10); theft, 1,485 (1,386); criminal damage, 705 (615); dangerous drugs, 527 (407); and other offences, 115 (76).

67. There is one correctional institution in Gibraltar. It comprises 36 cells, a sick bay, recreation rooms, workshop, classroom, canteen, laundry, kitchen, visit halls, chapel, a library containing over 4,000 books and a small gymnasium. The number of prisoners held in 1991 was 193, the daily average inmate population being 26 as compared with 23 in 1990. The supervision of the prison is carried out by the Prison Board in accordance with the Prison Ordinance of the Territory.

68. According to press reports, 28/ on 27 May 1994, the Director-General for European Affairs of Spain presented an official complaint to the Ambassador of the United Kingdom to Madrid in connection with drug trafficking from and through Gibraltar. The Government of Spain reportedly requested the United Kingdom's cooperation in the prevention of narco-trafficking and other illicit transshipments from and through Gibraltar.

D. Environment

69. The Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora has been extended to apply to Gibraltar as a dependent Territory for which the United Kingdom, a contracting party to the Convention, has responsibility. The Endangered Species (Imports and Exports) Ordinance of 1976 gave effect in the Territory to the provisions of the Washington Convention. The Animals and Birds Ordinance protects fauna in the Territory and the Heritage Trust Ordinance provides for the protection of sites of natural beauty and scientific interest.

70. On 27 January 1994, a Spanish non-governmental ecological organization, Verdemar, communicated to the Commission of the European Communities a complaint alleging that Gibraltar had been failing to fulfil its obligations with regard to the preservation of the environment of the Catalán Bay. That complaint is to be examined by the relevant organs of the Commission of the European Communities. 29/

71. In April 1994, a Spanish non-governmental organization, the Asociación Gaditana para la Defensa y Estudio de la Naturaleza, communicated to the Commission of the European Communities a request to examine the capacity and technology used by incinerators in Gibraltar, alleging that those installations were creating additional residual waste contamination problems for Europe. 30/

E. Housing

72. During 1989 and 1990, an extensive sea reclamation scheme carried out in the harbour waters increased the land area of the Territory by 5 per cent over the previous area of 584 hectares. The reclaimed land has increased the total flat land of Gibraltar by 10 per cent.

73. Overcrowding is considered a major social problem in the Territory. According to the 1991 population census, Gibraltar had an average population density of 45.8 persons per hectare, excluding servicemen, visitors and transients. It has been estimated that 14 per cent of the housing stock is overcrowded.

74. According to press reports, 31/ the territorial Government introduced a new housing policy in January 1994. Under the new policy, low-income families who live in acutely overcrowded and poor sanitary conditions would be considered eligible to obtain government-owned dwellings.

F. Public health

75. The Government's medical and health services consist of hospital services, medical treatment by specialists outside government hospitals where such treatment is beyond the scope of local resources, child welfare and school health services, domiciliary and out-patient treatment of persons coming under the scope of the District Medical Service, the Domiciliary Medical Service, the Ports and Airport Health Service and the Environmental Health Service and Laboratories.

76. The state of health and nutrition is reported to be good and to comply with the standards expected in developed countries. There have been no outbreaks of epidemic or endemic diseases. The principal causes of death are cardiovascular, cerebrovascular, malignant and respiratory (excluding neoplasms) diseases.

77. The main health facility in the Territory is the St. Bernard Hospital. It has a total of 192 beds and provides comprehensive out-patient services and in-patient treatment for serious medical and surgical cases. Patients from neighbouring areas of Spain also use the hospital for treatment and hospitalization. In addition, the hospital has a maternity section and two wards for elderly patients. Psychiatric treatment is provided by the King George V Psychiatric Unit, which has accommodation for 60 patients. A health centre provides general practice surgery as well as child welfare and school medical services. Certain medical specialties not provided by the Gibraltar public health facilities are covered by a programme of visits by consultants from the United Kingdom.

G. Education

78. Education is free for all children up to "A" level standard and is compulsory for those between 5 and 15 years of age. At the end of 1991, 2,930 pupils were enrolled in the 12 government primary schools, 231 in the one

private primary school and 436 in the two services primary schools, making a total of 3,597 students. The language of instruction is English, while Spanish is taught as a second language, particularly in the secondary schools. In 1991, there was a total of 322 teachers for all schools in the Territory.

79. Press reports indicate that in January 1994, following the decision to abolish the national school curriculum by the Government of the United Kingdom, the Government of Gibraltar established a working group charged with examining possible implications of that decision. The Gibraltar territorial Minister of Education, Mr. Joe Moss, argued that Gibraltar, which had been following the United Kingdom national curriculum, should also redirect the emphasis in education on vocational aspects and scrap the national curriculum. 32/

80. Technical and vocational training is provided at the two government comprehensive secondary schools and at the Gibraltar College of Further Education. This college comprises two separate departments (technology, and business and commercial studies), which conduct a variety of courses leading to national diploma certificates.

81. The Government of Gibraltar and a number of private institutions provide scholarships to young persons who have the ability and the necessary qualifications to pursue a college-level education. Most of these students travel to the United Kingdom to complete their university degree.

Notes

1/ The information contained in the present paper has been derived from published reports.

2/ For details, see Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 23 (A/7623/Rev.1), vol. III, chap. XI, annex, paras. 7-23.

3/ The Gibraltar Chronicle, 22 March 1993.

4/ Ibid., 17 August 1993.

5/ Ibid., 11 February 1994.

6/ The Gibraltar Chronicle, 17 January 1992; see also Le Monde (Paris), 19-20 January 1992.

7/ The Gibraltar Chronicle, 17 January 1992.

8/ Ibid., 25 November 1993.

9/ Ibid., 25 February 1994.

10/ Ibid., 26 February 1994.

11/ Ibid., 15, 18 and 19 February 1994.

12/ Ya (Madrid), 27 February 1994.

13/ Resolution No. 24 of 20 April 1994 of the Congress of Deputies, Madrid.

14/ Ibid., 17 March 1994.

15/ Ibid., 21 September 1993 and 4 February 1994.

16/ Ibid., 16 October and 16 November 1993, and 5 February 1994.

17/ Ibid., 6 August 1993.

18/ ABC (Madrid), 23 September 1992; see also Ya (Madrid), 23 September 1993.

19/ The Gibraltar Chronicle, 12 March 1994.

20/ Ibid., 16 March 1994.

21/ The Financial Times (London), 12 April 1994.

22/ The Gibraltar Chronicle, 14 and 15 September 1993; 9 October 1993; 8 and 23 November 1993; and 5, 17 and 22 February 1994.

23/ The Observer (London), 3 December 1993 and 7 March 1994; see also Europa Sur (Madrid), 16 March 1994 and 27 April 1994; and El Pais (Madrid), 15 March 1994.

24/ Boletín del Estado, No. 30, February 1985, Madrid.

25/ The Gibraltar Chronicle, 23 March 1994.

26/ ABC (Madrid), 2 and 4 January 1994.

27/ Europe, Agence Europe, Strasbourg, No. 6155, 24/25 January 1994.

28/ ABC (Madrid), 3 June 1994.

29/ Europa Sur (Madrid), 2 November 1993 and 12 April 1994; see also Europa Press (Cadiz), 11 April 1994.

30/ Europa Sur (Madrid), 17 April 1994.

31/ Ibid., 13 January 1994.

32/ Ibid., 10 January 1994.

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A

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SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

Report of the Secretary-General

Transmission of information under Article 73 e of the Charter

1. The previous report of the Secretary-General on the subject (A/AC.109/1160) listed the dates on which information had been transmitted to the Secretary-General under Article 73 e of the Charter of the United Nations up to 24 June 1993. The annex to the present report shows the dates on which such information was transmitted in respect of the years 1992 and 1993 up to 27 June 1994.

2. The information transmitted under Article 73 e of the Charter follows in general the standard form approved by the General Assembly and includes information on geography, history, population, economic, social and educational conditions. In the case of Territories under the administration of New Zealand, the United Kingdom of Great Britain and Northern Ireland and the United States of America, the annual reports on the Territories also include information on constitutional matters. Additional information on political and constitutional developments in the Territories under its administration is given by the representative of New Zealand during meetings of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Supplementary information is also made available by New Zealand, the United Kingdom and the United States concerning Territories under their administration.

Study of information transmitted under Article 73 e of the Charter

3. In compliance with the provisions of paragraph 5 of General Assembly resolution 1970 (XVIII) of 16 December 1963 and other relevant resolutions of the Assembly, including in particular resolution 48/45 of 10 December 1993, the Secretariat has continued to use the information transmitted in the preparation of working papers on each Territory for the Special Committee.

Annex

DATES OF TRANSMISSION OF INFORMATION UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS AND PERIOD COVERED a/

	Information received in 1993		Information received in 1994	
	Date of transmission	Period covered	Date of transmission	Period covered
FRANCE				
New Caledonia b/	-	-	-	-
NEW ZEALAND (1 July-30 June) c/				
Tokelau	5 April 1993	1991/92	28 April 1994	1993/94
PORTUGAL				
East Timor d/	-	-	-	-
SPAIN				
Western Sahara e/	-	-	-	-
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND				
Anguilla	13 July 1993	1991-1993	-	-
Bermuda	12 April 1993 21 May 1993	1992 1990-1992	4 April 1994	1993
British Virgin Islands	13 July 1993	1992	-	-
Cayman Islands	-	-	-	-
Falkland Islands (Malvinas)	29 July 1993	1992/93	12 May 1994	1993/94
Gibraltar	12 April 1993	1991	-	-
Montserrat	26 March 1993 6 October 1993	1992 1991/92	-	-
Pitcairn	26 April 1993	1991		

	Information received in 1993		Information received in 1994	
	Date of transmission	Period covered	Date of transmission	Period covered
St. Helena (including Tristan da Cunha	28 May 1993 20 September 1993	1991/92 1992/93	-	-
Turks and Caicos Islands	24 September 1993	1992-1994	-	-
UNITED STATES OF AMERICA (1 October-30 September) f/				
American Samoa	12 July 1993	1991/92	-	-
Guam	12 July 1993	1991/92	-	-
United States Virgin Islands	12 July 1993	1992/93	-	-

(Footnotes on following page)

(Footnotes to table)

a/ For a preliminary list of territories to which the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV) of 14 December 1960) applies, see Official Records of the General Assembly, Eighteenth Session, Annexes, addendum to agenda item 23 (A/5446/Rev.1), annex I.

b/ According to its resolution 41/41 A of 2 December 1986, the General Assembly "considers that, in the light of the provisions of Chapter XI of the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 1541 (XV), New Caledonia is a Non-Self-Governing Territory within the meaning of the Charter".

c/ Period extends from 1 July of the year listed to 30 June of the following year.

d/ In a note verbale dated 6 April 1979 (A/34/311), the Permanent Representative of Portugal to the United Nations informed the Secretary-General that the conditions still prevailing in East Timor prevented his Government from assuming its responsibilities for the administration of that Territory. He subsequently informed the Secretary-General (A/35/233, A/36/160, A/37/113, A/38/125, A/39/136, A/40/159, A/41/190, A/42/171, A/43/219 and A/44/262) that the Portuguese Government had nothing to add to the information already provided in that note. The Secretary-General was further informed by the Permanent Representative (A/45/172, A/46/131, A/47/189, A/48/130 and A/49/184) that since the Portuguese Government continued to be prevented "de facto" from exercising its responsibilities for the administration of East Timor due to the latter's illegal occupation by a third country, it remained unable to provide any information concerning the Territory.

e/ On 26 February 1976, the Permanent Representative of Spain to the United Nations informed the Secretary-General that "the Spanish Government, as of today, definitely terminates its presence in the Territory of the Sahara and deems it necessary to place the following on record: ... (a) Spain considers itself henceforth exempt from any responsibility of an international nature in connection with the administration of the said Territory, in view of the cessation of its participation in the temporary administration established for the Territory ..." (A/31/56-S/11997). For the printed text, see Official Records of the Security Council, Thirty-first Year, Supplement for January, February and March 1976.

f/ Period extends from 1 October of the previous year to 30 September of the year listed.

UNITED NATIONS

A

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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

NEW CALEDONIA

Working paper prepared by the Secretariat

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I. GENERAL

1. New Caledonia is located in the Pacific Ocean, about 1,500 kilometres east of Australia and 1,700 kilometres north of New Zealand. It comprises one large island, known as Grande Terre, and smaller islands known as the Loyalty Islands (Ouvéa, Maré, Lifou and Tiga), the Bélep Archipelago, the Isle of Pines and Huon Island. There are also several uninhabited islands to the north of the Loyalty Islands. The area of Grande Terre is 16,750 square kilometres and that of the whole territory, 19,103 square kilometres. Nouméa, the capital, is located in the south of Grande Terre.

2. According to the 1989 census, the population was 164,173, comprising 73,598 indigenous Melanesians known as Kanaks (44.8 per cent); 55,085 persons of European origin, mainly French (33.6 per cent), of whom 35,000 persons, known as Caldoches, are descendants of the early settlers; 18,936 Wallisians and Tahitians (11.5 per cent); and 16,554 others, mainly Indonesians and Vietnamese (10.1 per cent). It is estimated that in 1991 the population was 170,000 persons.

3. The Territory is divided into three provinces, South and North (on Grande Terre) and the Loyalty Islands. Each province has an elected Assembly which is responsible for local economic development, land reform, cultural affairs and primary education. Together, the members of the assemblies constitute the Territorial Congress, which is responsible for the territorial budget and fiscal affairs, infrastructure, communications and public service of national interest. The French High Commissioner forms the territorial executive. He is assisted by the presidents of the assemblies and by the President of the Territorial Congress. Local government is conducted by 32 municipalities. 1/

4. In order to safeguard Kanak tradition, there are also eight customary regions, each with its own Consultative Customary Council, as well as a Territory-wide Customary Council.

5. There are two principal political groupings and numerous small parties. The two main groupings are the Rassemblement pour la Calédonie dans la République (RPCR), which supports the principle of maintaining New Caledonia in the French Republic and the Front de libération nationale kanake socialiste (FLNKS), which favours independence. The constituents of FLNKS include the Union calédonienne (UC), the Parti de libération kanak (PALIKA), the Union progressiste mélanésienne and the Parti socialiste calédonien (PSC). 2/

6. Elections were held in 1988. RPCR won control of the Provincial Assembly of the South and sufficient minority representation in the other two assemblies to give it half the 54 seats in the Territorial Congress. FLNKS, which controls the provincial assemblies in the North and in the Loyalty Islands, has 19 seats in the Territorial Congress.

7. The Matignon Agreements of 1988 (see A/AC.109/1000, paras. 9-14) provide for a 10-year period of economic and social development and a self-determination referendum to be held in 1998. During the period of development, efforts are being concentrated on effecting a more equitable economic distribution among the

three provinces and providing education and training that would enable Kanaks to participate equally in the economy and Government of the Territory.

II. CONSIDERATION BY THE UNITED NATIONS

A. Consideration by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

8. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the question of New Caledonia at its 1426th and 1428th meetings on 20 July and 12 August 1993. During its consideration of the item, the Special Committee had before it a working paper prepared by the Secretariat containing information on developments concerning the Territory (A/AC.109/1170).

9. At its 1426th meeting, the Committee heard the statement of a petitioner. At the 1428th meeting, the representative of Fiji made a statement in the course of which he introduced, on behalf also of Papua New Guinea, draft resolution A/AC.109/L.1809. At the same meeting, the Special Committee adopted that draft resolution without a vote.

10. On 18 August 1993, the text of the resolution (A/AC.109/1174) was transmitted to the Permanent Representative of France for the attention of his Government.

B. Consideration by the General Assembly

11. In their statements in the general debate at the forty-eighth session of the General Assembly, the following delegations referred to the question of New Caledonia: Fiji and Papua New Guinea (A/48/PV.24), Samoa (A/48/PV.27), Solomon Islands (A/48/PV.28).

12. During the debate in the Special Political and Decolonization Committee (Fourth Committee) on the agenda item on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Committee heard two petitioners on the question of New Caledonia on 12 October 1993: Mr. Yann Céléné Uregei of the Congrès Populaire and Ms. Donna Winslow on behalf of FLNKS (A/C.4/48/SR.3, paras. 83-101).

13. Several delegations made reference to the question of New Caledonia under the same agenda item.

14. Speaking on behalf of the nine member countries of the South Pacific Forum (SPF) that are Members of the United Nations - Australia, the Federated States of Micronesia, Fiji, the Marshall Islands, New Zealand, Papua New Guinea, Samoa, the Solomon Islands and Vanuatu - the representative of the Marshall Islands referred to the position with regard to New Caledonia taken by the Forum at its

twenty-fourth session, held in Nauru on 10 and 11 August 1993 (A/C.4/48/SR.5, paras. 8-10) (see also paras. 23-26 below).

15. The representative of New Zealand, who fully endorsed the statement made by the representative of the Marshall Islands in his capacity as Chairman of the South Pacific Forum, agreed that the Matignon Agreements continued to offer the best prospects for the political future and economic development of New Caledonia (A/C.4/48/SR.5, para. 32).

16. The representative of Papua New Guinea said he was gratified by the willingness of France to permit a South Pacific Forum ministerial visiting mission to assess developments in New Caledonia and urged France to facilitate regular United Nations visiting missions. He also said that France was taking encouraging measures under the Matignon Agreements for a peaceful solution to self-determination and independence but that recent reports at the Pacific Regional Seminar by representatives of FLNKS (see A/AC.109/1159) indicated that a number of important issues of concern to the Kanak population were not being addressed. He also indicated that progress was also slow in a number of crucial areas like the training of Kanaks in relevant fields, including education, as to their recognized rights under international law. He considered that its own experience had made Papua New Guinea aware of the importance of human resource development in enabling indigenous populations to exercise their right to self-determination and independence under the best possible conditions (A/C.4/48/SR.6, paras. 19-20).

17. The Philippines (A/C.4/48/SR.6, para. 3) and India (A/C.4/48/SR.4, para. 76) were encouraged by the progress made towards resolving the issues in New Caledonia.

18. Speaking on behalf of the Rio Group (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, El Salvador, Mexico, Paraguay, Peru, Uruguay and Venezuela), the representative of Chile said that the conciliatory dialogue and good faith of the parties set the stage, within the framework of the Matignon Agreements, for the inhabitants of New Caledonia to legitimately exercise their right to self-determination (A/C.4/48/SR.5, para. 60).

19. For his part, the representative of Australia stated that his country attached particular importance to the situation in New Caledonia. He said that the decolonization of New Caledonia represented a particularly complex decolonization situation requiring sensitivity, cooperation and goodwill by all parties involved. Australia believed that the interests of New Caledonia and of regional stability required a peaceful, orderly transition to genuine self-determination in which all options, including independence, would be open, and which would safeguard the rights of the indigenous Kanaks and those of all other New Caledonians. Australia had been much encouraged by the achievements recorded over the last four years under the Matignon Agreements and by the fact that the previous divisions in the Territory had given way to dialogue and consultation on the process under way (A/C.4/48/SR.5, paras. 67-68).

20. The representative of France said that the mid-period assessment of the implementation of the Matignon Agreements had indicated that the three provinces of New Caledonia were already fully discharging the considerable

responsibilities that they had been entrusted with. The measures taken in the economic and social fields had yielded very encouraging results with regard to employment, the infrastructure, development projects, education, professional training and culture. The balance achieved in the past five years had therefore been rather satisfactory. The Government, together with the various media in New Caledonia, was continuing its efforts to strengthen still further the process begun and meet new concerns that were arising in the Territory, such as the problems relating to young people, urban areas and housing.

21. Referring to the draft resolution submitted to the Special Political and Decolonization Committee (Fourth Committee), he noted with satisfaction that the text took account of the positive development of the situation in the Territory in the past five years. Under those circumstances, his delegation was prepared to refrain from opposing the text and from requesting that it should be put to a vote. Nevertheless, France maintained its reservations with regard to the competence of the United Nations to consider the question. His country believed that the Charter of the United Nations granted exclusive competence, with regard to the self-determination of the Non-Self-Governing Territories, to the States that had the responsibility to administer them and that no General Assembly resolution had modified the Charter with regard to that question. Since his delegation considered that the question of New Caledonia was the exclusive responsibility of France, it could not support the adoption of a United Nations text on the question (A/C.4/48/SR.5, paras. 76-78).

22. At its 13th meeting, on 29 October 1993, the Fourth Committee adopted, without objection, the draft resolution submitted by the Special Committee concerning New Caledonia (A/48/23 (part VII, chap. XI, para. 9)).

III. CONSIDERATION BY REGIONAL ORGANIZATIONS

23. The South Pacific Forum, in a communiqué issued at the close of its twenty-fourth session held in Nauru on 10 and 11 August 1993 (A/48/359, annex), reaffirmed its support for the aspirations and goals of the people of New Caledonia and reiterated its full support for the processes being conducted under the Matignon Agreements.

24. SPF said it was again encouraged by the continuing progress being made in implementation of the Agreements and noted the positive measures being pursued by the French authorities in cooperation with all sectors of the population to establish a framework for New Caledonia's peaceful evolution to self-determination. The Forum noted, however, that wide gaps between the communities in New Caledonia persisted. It urged further provision of assistance for education and training opportunities for the Kanak population.

25. The Forum agreed that transparency in the preparation of the electoral rolls and continued dialogue among all parties were important in ensuring an act of self-determination consistent with the principles and practices of the United Nations, in which all options, including independence, were open. It reiterated its hope that France would facilitate regular visits to New Caledonia by visiting missions from the United Nations.

26. SPF encouraged the increasing contacts between its member countries and New Caledonia which was a positive contribution towards the process of political and economic adjustment in the Territory.

IV. POLITICAL DEVELOPMENTS

27. The Committee to Monitor the Matignon Agreements, composed of the French Government, RPCR and FLNKS, held its fifth meeting from 6 to 9 December 1993 in Paris. The meeting mainly dealt with questions of economic development, education and fiscal policies.

28. According to the official summary of conclusions, the Committee considered that ambiguities in the status of territorial collectivities as well as interpretations made by the administrative court (juridiction administrative) had caused some problems; to resolve them, it was important to clarify the respective areas of authority of the State, the provinces and the communes. Delegates from the Territory also felt it was necessary to impose legislative and regulatory measures governing such areas as the protection of the environment, labour, agricultural cooperatives and savings banks. They expressed the view that the provinces should have a voice at the highest level in territorial development bodies. The Committee decided to hold intermediate meetings at three-month intervals to review issues and to ensure that its decisions were being implemented. Finally, both sides mentioned the opportunity to change the formula for apportioning seats in provincial assemblies from 5 per cent of the votes cast (for a candidate) to 5 per cent of the registered voters.

29. As regards education and training, it was pointed out that despite all efforts, there was still a high level of academic failure. To improve the situation, teacher training and pedagogic methods should be reappraised. Also, more should be done to link education to employment possibilities and to develop technical skills.

30. The partners agreed that it was necessary to accelerate the pace of economic development and redistribution among the three provinces. The Committee agreed that a team of economists and managers should be established to help the Territory define its long-term economic policies and determine how to encourage new investments. It was decided, in that connection, to re-examine existing tax legislation to ensure that it did not serve as a disincentive to investment from metropolitan France. The Committee also decided to set up a working group to study the question of immigration, as it considered that an influx of untrained manpower could aggravate existing social problems and create tensions.

31. Recognizing that economic development, particularly the development of tourism, depended on adequate air connections with other countries as well as on competitive fares, the Committee welcomed the proposal by the Ministry of Equipment, Transportation and Tourism to intervene with the President of Air France to complete negotiations regarding expanded air routes before February 1994 so that a draft agreement could be presented and examined the

following May. Improved coordination of tourism policies by the provinces was also considered to be necessary.

32. The Committee decided to set up an independent group to analyse the energy needs of New Caledonia and also took note of the conclusions of a working group on forests, the protection of which, it considered, constituted an essential element in the preservation of water supplies and in reforestation.

33. The Committee also decided to carry out studies on revenues and monetary policy, and expressed concern about the economic problems facing the Territory as a result of the slump in the nickel market and the drought.

34. Under the heading Regional Cooperation, the Committee agreed that the Territory's integration into the Pacific region was progressing. More exchanges of visits were needed to stimulate economic investment.

35. On the issue of culture, it was announced that the Jean-Marie Tjibaou Cultural Centre was nearing completion. The desirability of more visits by theatrical and other cultural groups was expressed.

36. Regarding the Territory's financial situation, Mr. Dominique Perben, Minister for Overseas Departments and Territories indicated that by the end of 1993, the State would have used up almost all the credits corresponding to its undertakings for the first phase of development contracts.

37. Addressing the Committee on 9 December 1993, Mr. Edouard Balladur, Prime Minister of France, said that all political groups had made clear their desire to work for peace and to build their future together. He paid respect to the moderation and courage of those who had chosen this path and reaffirmed the Government's intention to continue to help them achieve their goals. The Prime Minister stressed the importance of education and training since the future of New Caledonia depended primarily on its capacity to create employment opportunities for a growing number of young people. It was necessary to create employment opportunities in all three provinces so population from the North and the Islands would not be drawn to the more developed South, thereby creating social dislocation. Attainment of all of these goals was possible.

38. Development of a road network, water and electricity systems and good telephone service was a preliminary requirement of economic development. Government contracts for the period 1993-1998 totalling 1.850 billion French francs would be fulfilled. In addition, the following supplementary measures would be undertaken: 37 million francs of payment credits would be unblocked; farmers hit by the drought would be compensated; a supplementary credit of 12 million francs would be made available for safety measures in secondary school buildings; a study on ways to export nickel would be undertaken.

39. The first intermediate meeting of the Committee to Monitor the Implementation of the Matignon Agreements was held at Kone, New Caledonia, in February 1994 under the chairmanship of the Minister for Overseas Departments and Territories. The Minister said that action had been initiated towards implementing several of the decisions taken in December, particularly as regards the dispatch of missions to study the questions of environmental protection and

employment. Attention was also being given to the question of additional air routes.

40. Prior to his departure, the Minister said that the four-day meeting had been successful in that there had been a real dialogue and a real discussion, reflecting the sincerity of all the parties to work out an acceptable future. While the Matignon Agreements had been a success politically, however, there were problems on the economic side arising from the fact that the Territory was in a period of stagnation, making economic readjustment among the three provinces difficult.

Notes

1/ The Europa World Year Book 1992, vol. I, p. 1147.

2/ Ibid., p. 1148.

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OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

FALKLAND ISLANDS (MALVINAS)

Working paper prepared by the Secretariat

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FALKLAND ISLANDS (MALVINAS) 1/

I. GENERAL

1. The Falkland Islands (Malvinas), which is administered by the United Kingdom of Great Britain and Northern Ireland, comprises two large islands known as East and West Falkland, as well as some 200 smaller islands, and has a total area of about 12,173 square kilometres. The Territory is situated in the South Atlantic Ocean, about 770 kilometres north-east of Cape Horn and about 480 kilometres east of the South American mainland. South Georgia, located about 1,300 kilometres south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, about 750 kilometres east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate territory; the Governor of the Falkland Islands (Malvinas) acts as Commissioner for South Georgia and the South Sandwich Islands.

2. According to the 1991 census, the population of the Territory was 2,121, excluding military personnel and contract workers, but including some expatriate staff in permanent posts. Of the total, 1,643 lived in Stanley, the capital, and its environs and the remainder on farms and in small settlements varying in size from Goose Green, with around 30 people, to several farms run by only one family. Most settlement communities have fewer than 10 people. In 1980, according to the census of that year, of the 1,813 permanent inhabitants, 1,360 had been born in the Territory and about 300 in the United Kingdom.

II. CONSTITUTION AND GOVERNMENT

3. The Constitution of the Falkland Islands (Malvinas), which came into effect on 18 April 1985, vests executive power in a Governor assisted by an Executive Council consisting of the Chief Executive and the Financial Secretary and three members of the Legislative Council chosen by the eight elected members from among themselves. The Chief Executive and Financial Secretary are ex officio members of both councils and have no vote. (For further details, see the 1985 working paper prepared by the Secretariat (A/AC.109/835 and Corr.1, paras. 4-39).)

4. The preamble to Chapter I of the Constitution, dealing with the protection of fundamental rights and freedoms of the individual, stresses that "all peoples have the right to self-determination and by virtue of that right they freely determine their own political status". It also provides that "realization of the right of self-determination must be promoted and respected in conformity with the provisions of the Charter of the United Nations".

5. The Territory is divided into two constituencies for electoral purposes: the Stanley Constituency, which comprises the capital and its environs, and the Camp Constituency, made up of the rest of the Territory. There are four elected members for each constituency. All Commonwealth citizens 18 years or older who satisfy the residency requirements are allowed to vote. Elections must be held at intervals not longer than just over four years. The last general election was held in October 1993.

III. CONSIDERATION BY THE UNITED NATIONS

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

6. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 1420th meeting on 14 July 1993, when it had before it a working paper on developments concerning the Territory prepared by the Secretariat (A/AC.109/1168).

7. The Special Committee granted requests for hearing petitioners and, at its 1420th meeting, heard statements by four petitioners (A/AC.109/PV.1420).

8. The representative of Venezuela introduced, on behalf also of Chile and Cuba, draft resolution A/AC.109/L.1803, which was subsequently adopted without a vote.

9. The Minister for External Relations and Worship of Argentina made a statement (A/AC.109/PV.1420), in which he said that the recovery of the Malvinas, South Georgia and the South Sandwich Islands was a permanent and irrevocable goal of the Argentine people and that his Government would not flag in its efforts to obtain their prompt and peaceful restitution. He noted that various General Assembly resolutions, particularly resolutions 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, and 37/9 of 4 November 1982, had recognized that there was a sovereignty dispute between Argentina and the United Kingdom and had established that it must be resolved by negotiations, taking into account the interests of the population of the Islands. Argentina considered that the dispute must be resolved in conformity with paragraph 6 of General Assembly resolution 1514 (XV) of 14 December 1960, which granted pre-eminence to the principle of territorial integrity in the decolonization of territories that previously belonged to a State. He said that prior to 1833, when the United Kingdom had occupied the Malvinas by force, the Islands were an integral part of Argentina. The Minister for Foreign Affairs noted that since the resumption of diplomatic relations between Argentina and the United Kingdom in 1990, their relationship was excellent except for the dispute in the South Atlantic.

10. With regard to fishing, the Minister for Foreign Affairs noted that in December 1992 Argentina had decided to restrict its own squid catch for the 1993 season in order to avoid causing an economic emergency in the Malvinas. The Minister for Foreign Affairs reaffirmed and made a commitment that in no case would Argentina play politics with fishing or engage in predatory fishing in the South Atlantic. The Minister for Foreign Affairs also said that if Argentina's right to increase its squid catch were not accepted, it would be difficult to make a more lasting settlement. The situation was further complicated because of jurisdictional measures which the United Kingdom had recently taken in the area of the South Georgia and South Sandwich Islands, which Argentina protested and rejected. (For details, see A/AC.109/1168, paras. 21, 22 and 45 and A/AC.109/1168/Corr.1, paras. 3, 7 and 8.) Were the United Kingdom to impose additional fishing regulations, he said, it would violate the Convention on the

Conservation of Antarctic Marine Living Resources and would mean raising this bilateral dispute within the context of the Antarctic Treaty.

11. The Minister for Foreign Affairs also noted that, on 7 May 1993 the Governments of Argentina and the United Kingdom had agreed, under the "umbrella" of sovereignty, to renew their conservation efforts within the framework of the above-named Convention and that the first meeting between the two countries on the South Georgia and South Sandwich Islands, which had taken place in London on 15 June, had been positive. In light of these facts, the possible British action on fishing in the area of the South Georgia and South Sandwich Islands was even less acceptable.

12. The Minister for Foreign Affairs noted that another area of deadlock between his Government and the United Kingdom related to the prospecting for, and exploitation of oil. Argentina had protested and rejected the United Kingdom's decision to open up to tender and to grant licences for seismic prospecting in the maritime areas around the Malvinas and had informed the oil companies concerned that they could be subject to administrative and legal action under Argentine law if they proceeded. In the belief that it was not prudent to proceed to prospect for oil and exploit resources without a previous bilateral understanding, Argentina in 1992 had made proposals to establish mechanisms for cooperation with the United Kingdom which were still on the table.

13. The Minister for Foreign Affairs noted that there had been progress towards military normalization in the South Atlantic, as evidenced by the understanding reached on 12 July 1992.

14. The Minister for Foreign Affairs said that international law and United Nations resolutions clearly established that the only two parties to the sovereignty dispute were Argentina and the United Kingdom. However, at the same time, no one could sensibly fail to recognize the important de facto role that the islanders had to play in the question.

15. The Minister for Foreign Affairs expressed Argentina's desire to have direct links with the islanders. As a contribution to air links between the islands and the rest of the continent, Argentina had authorized a Chilean airline, which could not fly without its permission, to operate regular flights between Punta Arenas, Chile, and the islands, with an optional intermediate stop in Rio Gallegos.

16. The Minister for Foreign Affairs reassured the islanders that present-day Argentina was firmly committed to the peaceful resolution of all its differences with the United Kingdom. Further he was sure that a change of sovereignty would be unlikely to affect the daily life of the islands. He added that Argentina approached the question of sovereignty from a firm, modern position.

17. The Minister for Foreign Affairs said that although Argentina had no direct formal contacts with the islanders, in effect a dialogue without intermediaries had begun: in recent months he had personally exchanged letters with islanders, had spoken to the islands by radio, television and had personal meetings with some young islanders in London. Argentina's desire was that the islanders would

one day change their minds on the substantive question as that would have a considerable impact on the position of the United Kingdom and significantly increase the chances of finding a satisfactory solution. In the meantime, Argentina would use two main instruments of persuasion, its capacity to explain and convince regarding the solid foundations of its claim and the achievement of a firmly democratic and prosperous Argentina.

18. Statements and explanation of vote were made by Papua New Guinea, Sierra Leone and Trinidad and Tobago (A/AC.109/PV.1420). All three representatives said they would have preferred the inclusion in the text of specific references to the principle of self-determination.

19. On 15 July 1993, the text of the resolution (A/AC.109/1169) was transmitted to the Permanent Representatives of the United Kingdom and of Argentina to the United Nations for the attention of their respective Governments.

B. General Assembly

Position of the Government of Argentina

20. During the general debate of the forty-eighth session of the General Assembly, the Minister for External Relations and Worship of Argentina, in the course of his statement on 28 September 1993 (A/48/PV.7), reaffirmed the position of his Government that Argentina had well-founded and unequivocal sovereign rights over the Malvinas and over the South Georgia and South Sandwich Islands.

21. The Minister for Foreign Affairs noted that for the first time, the Special Committee had adopted a resolution on the question without a vote. The resolution urged the parties again to resume negotiations as his country was ready to do.

22. The Minister for Foreign Affairs referred briefly to the issues he had discussed at length in the Special Committee, namely, the progress made with the United Kingdom in reducing the security restrictions inherited from the 1982 conflict, the situations with regard to fishing and oil exploration and Argentina's relationship with the islanders.

Contributions by other Member States

23. During the debate in the Fourth Committee, the representative of Chile made a declaration on behalf of the Rio Group (A/C.4/1994/SR.5), which expressed the hope that the current state of bilateral relations between the Republic of Argentina and the United Kingdom of Great Britain and Northern Ireland would lead to finding as soon as possible a peaceful, just and lasting solution to the dispute on sovereignty relating to the question of the Malvinas Islands.

24. During the same debate (A/C.4/1994/SR.4), Brazil joined the Rio Group in reaffirming its support for the continuation of the constructive dialogue undertaken by the Governments of Argentina and the United Kingdom aimed at

finding a peaceful and fair solution to the dispute on sovereignty over the Malvinas Islands.

25. Also during the same debate (A/C.4/1994/SR.5), Nicaragua expressed the hope that through the spirit of dialogue which had prevailed between Argentina and United Kingdom, a satisfactory solution to the Malvinas question would be reached.

Position of the United Kingdom

26. Speaking in the right of reply during the general debate at the forty-eighth session of the General Assembly (A/48/PV.7), the representative of the United Kingdom repeated that his Government had no doubts about its sovereignty over its dependencies in the South Atlantic. It would continue to work with the Government of Argentina to create an atmosphere of stability and cooperation in the South Atlantic and considerable progress had been made. The United Kingdom looked forward to resuming negotiations in the near future on a new agreement on fishing. However, the progress which had been achieved was predicated on the understanding that sovereignty was not a matter the United Kingdom was prepared to discuss.

IV. CONSIDERATION BY OTHER INTERGOVERNMENTAL ORGANIZATIONS

Organization of American States

27. At its twenty-fourth regular session, held at Belem, Brazil, from 6 to 10 June 1994, the General Assembly of the Organization of American States, taking into account that on numerous occasions it had declared that the question of the Malvinas Islands constituted a question of permanent hemispheric interest and recalling its resolution AG/Res.928 (XVIII-O/88), adopted by consensus, requesting Argentina and the United Kingdom to resume negotiations in order to find as soon as possible, a peaceful solution to the sovereignty dispute: expressed its satisfaction at the reaffirmation by the Government of Argentina of its willingness to continue to explore all possible avenues for a peaceful solution of the controversy, particularly its positive consideration of the inhabitants of the Malvinas Islands. The Assembly decided to continue to examine the question at its future sessions until it was definitively solved.

V. POLITICAL DEVELOPMENTS

28. On 12 July 1993, the United Kingdom and Argentine Governments issued a Joint Statement (A/48/266-S/26086) by which they took account of the increased mutual confidence between them and agreed on elements of an "interim reciprocal information and consultation system" in order to promote a more normal situation in the South Atlantic.

29. According to the Joint Statement, the interim system would involve maintaining the direct communications link between the military authorities of the two Governments, under the supervision of both Foreign Ministries. The link, including radio, telex and facsimile facilities, would be manned on a

24-hour basis and tested weekly, while an alternative telephone link would be added.

30. In the interest of confidence-building, the parties would provide at least two weeks' written notice on movements of four or more naval or air units within 55 nautical miles of coasts. At least two days' notice would be given of naval combatant units intending to approach closer than 15 nautical miles; such movements would also require mutual agreement.

31. The Statement also provided for consultations in the event a question should arise about the application of those confidence-building measures. Reciprocal visits to military bases and naval units might be agreed on through diplomatic channels. Naval and air units of the parties would observe internationally established procedures and practices to ensure safety when operating in proximity. It was further stated that the interim system would be reviewed by a British-Argentine Working Group on South Atlantic Affairs within one year of its entry into force, at a date to be determined.

32. Mr. Douglas Hurd, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, made the first visit ever to the Territory by a Foreign Secretary in April 1994. 2/ At a press conference in Stanley on 9 April, Mr. Hurd, said that it was now perfectly clear to the islanders, to the Argentines, and to everyone else that the United Kingdom upheld its sovereignty of the Falklands. British sovereignty, he continued, rested on two very strong foundations: the wishes of the Falklanders and the protection of the British armed forces. As regards future contacts with Argentina, Mr. Hurd said the islanders must make up their own minds as individuals and as a community through their councillors. He had found strong feelings against contact with Argentina among people of all ages and considered that these were understandable in view of what had happened 12 years ago. However, it was not his business to come from London and tell the islanders what to do; they would have to make up their own minds.

33. In his Christmas 1993 message to the Falkland Islands, the Prime Minister of the United Kingdom, Mr. John Major, said that the conference on dependent territories which had been held in Britain the previous month had been a success in several ways: it gave publicity to dependent territories as a group; it showed that these territories were responsible and legitimate members of the international community; and it showed that they offered many opportunities for trade, investment, tourism and financial services. The conference had shown very clearly that dependent status was not an anomaly [in the modern world].

34. Mr. Major re-emphasized that the central plank of British policy towards the Falkland Islands was one of resolute, unflinching support for self-determination: the Falklands would remain British for as long as it chose to. The United Kingdom "shall not change that principle now or in the future", he said.

35. In a letter to the Secretary-General dated 17 February 1994 (A/49/76), Argentina reported that it had contacted the Government of the United Kingdom offering to take on the task of clearing the mines laid during the conflict of 1982. That offer coincided with the spirit of General Assembly resolution 48/7

concerning assistance in mine clearance, co-sponsored by Argentina and adopted without a vote by the General Assembly, on 19 October 1993.

36. On 3 January 1994, the Government of Argentina issued the following statement:

> "Upon the completion of yet another year of British occupation of the Malvinas Islands, the Argentine people and Government strongly reaffirm their inalienable sovereign rights over those territories and over South Georgia and the South Sandwich Islands and the surrounding maritime areas.
>
> "At the same time, the Argentine Government reaffirms its firm intention to continue to make progress in the dialogue and negotiations with the United Kingdom, with a view to strengthening mutual trust and extending bilateral cooperation in the South-West Atlantic, which will enable the two parties to advance towards a just solution of their historical territorial dispute.
>
> "The Argentine Government also stresses that it is entirely willing to engage in an increasing dialogue with the population of the Malvinas Islands. This dialogue, which already covers topics relating to living resources, could be extended to such other areas as hydrocarbons and communications. The Argentine Government is firmly committed to promoting the well-being of the population of the Malvinas Islands, on an equal footing with all other inhabitants of Argentine territory."

37. On 10 June 1994, the Government of Argentina issued the following statement:

> "The Argentine people and Government recall, 165 years after the establishment of the Political and Military Command of the Malvinas Islands and the Atlantic Ocean islands off Cape Horn, the Argentine Republic's exercise of effective sovereignty over the southern territories and maritime areas.
>
> "That exercise of sovereignty, which was contemporary with the birth of Argentina as an independent country, was interrupted by force in 1833, through the British occupation and the expulsion of the original authorities and settlers.
>
> "The Argentine people and Government have never accepted that use of force and reaffirm today their firm and unswerving determination to regain through the diplomatic channel their exercise of sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas.
>
> "Without exception, the countries of our region support Argentina's rights. The Argentine claim has been heeded in the General Assembly of the United Nations and the General Assembly of the Organization of American States. Both forums have called on the Governments of the Argentine Republic and the United Kingdom to resume

negotiations with a view to reaching a definitive solution to the sovereignty dispute.

"The Argentine Government reaffirms its willingness to continue exploring understandings with the United Kingdom, so as to consolidate peace and cooperation in the area. This position is based on the belief that the approach in question is in the interest of both Argentina and the United Kingdom and will lead to the establishment of a framework conducive to satisfactory settlement of the dispute.

"In the context of this endeavour, the specific action taken by the Argentine Government provides repeated proof of its determination to respect the settlers on the Malvinas Islands and to promote increasing communication and effective cooperation between them and all other inhabitants of Argentine territory."

VI. ECONOMIC CONDITIONS

A. General

38. Prior to 1982, the economy of the Falkland Islands (Malvinas) was based on sheep ranching on large farms owned by absentee landlords; islanders were largely employed as shepherds and labourers. Because revenue from the export of wool, the only substantial source of income, was inadequate to cover expenses, the Territory remained financially dependent on the administering Power, which did not make large investments in infrastructural development. As a result, the way of life remained extremely simple and without amenities. In 1980, national income per capita at 1990 prices was estimated to be £4,510.

39. After the conflict with Argentina in 1982, the economy expanded rapidly owing to post-war reconstruction and private and public expenditure on infrastructural development. The administering Power allocated £46 million, which went towards the construction of a new hospital and senior school, port facilities, roads and houses and a new military airport capable of accommodating wide-bodied commercial jets. By 1984/85, the national income per capita was estimated to be £5,650.

40. In 1986, the United Kingdom declared the Falkland Inner Conservation and Management Zone (FICZ), the prime objective being to regulate fishing within a radius of 150 miles, and to levy licence fees. The effect of the levying of licence fees, from £10,000 to £250,000 each 3/ was to provide a major source of new income and to boost the Territorial Government's total income from less than £20 million in 1986/87 to £44 million in 1990/91, of which £26.5 million came from fishing. The additional incomes permitted the Territory to be financially self-sufficient for the first time and led to a significant improvement in the standard of living. According to a report in The Economist, 4/ under the shelter of United Kingdom, defence spending of £65 million annually and the increased revenues principally from fishing, the Territory was enjoying the benefits of a more than model welfare State, with superbly equipped schools, free medical care at a well-equipped hospital and inexpensive fuel. A small

tourism industry attracting visitors who appreciate the remoteness and wildlife has also developed.

41. The agricultural industry began to decline in the 1990s, owing to a reduced demand for wool on the world market, and remains depressed to date though there are now initial signs of wool price recovery. The tourism industry world wide was also hit in 1991, but is now recovering. In 1992/93, there were considerable fears that income from the sale of fishing licences, notably for squid, would be badly affected by competition from Argentina, in whose waters the squid are also found. In the event, agreement with Argentina was reached on the numbers of licences each country would sell and revenues to the Falkland Islands declined only marginally.

42. In summary, the United Kingdom reported that the economy of the Territory showed startling growth between 1980 and 1990, with national income increasing 388 per cent in real terms. However, problems are appearing: government revenue is fully committed; agriculture is claiming financial assistance from the State (£15,000 per farm in 1993) and tourism is growing slowly. Development investment has been very dependent on the exploitation of squid and new areas of growth have not yet been identified. It is considered that the development of an offshore oil industry may redress the balance in the longer term.

B. Agriculture, land tenure and livestock

43. Land is devoted almost entirely to sheep ranching; no crops are grown and because of the strong winds and poor soil there are no indigenous trees.

44. From the mid-nineteenth century until the 1980s, almost all the land was owned by absentee landlords and commercial interests, the largest of which was the Falkland Islands Company which had been operating since 1851. At one point, the Company's total holdings comprised almost half the entire area of the Territory. In 1982, the Company began to sell off its land, into private local ownership; in 1991, the local Government bought the last 900,000 acres along with the acreage still owned by absentee landlords and created some 90 smaller farms which were sold to islanders. Currently, over 95 per cent of the total land area is owned by residents. Farms are still considered giant by European standards, a tract of 10,000 hectares being reportedly referred to as modest. It is reported that one of the problems facing all sheep farmers is that after 150 years of grazing, the pastures are of poor quality, with good pastures supporting one sheep per 2.5 acres and poor ones requiring 3 acres per sheep. The Falkland Islands Company continues to carry on business as shipping agents, contractors and general merchants.

45. As a result of the subdivision of the large holdings and the slump in the wool market, the traditional farming communities have begun to disintegrate. To help farmers weather the crisis, the Government is providing wool subsidies and mortgage relief; in 1991, £2 million was set aside for this purpose. Despite these measures, former farm workers are reported to be unemployed or to be barely getting by doing road building; some farms may go out of business. In any case, the number of people living on farms is shrinking steadily, having declined from 430 in 1989/90 to 399 in 1991/92.

46. In recent years, the Falkland Islands (Malvinas) has exported just over 2 million tons of raw wool annually. There were a total of 712,615 sheep in 1991.

C. Fisheries

47. The Territory's fishing sector is based on the sale of licences to foreign trawlers fishing for squid in FICZ. The zone, with a radius of 150 miles, was established by the administering Power as at 1 February 1987 and involves a licensing regime under which the number of fishing vessels and therefore the total catch is limited.

48. In 1993, the total catch from the waters of the Falkland Islands (Malvinas) during the three-month fishing season was just over 230,000 metric tons, of which just under 200,000 metric tons was squid.

49. On 28 November 1990, an agreement was reached between the United Kingdom and Argentina aimed at further enhancing fisheries conservation in the South Atlantic. A South Atlantic Fisheries Commission which meets twice a year, alternately at Buenos Aires and London, was established to discuss conservation over the whole area. The deliberations are governed by "the formula regarding sovereignty over the Falkland Islands (Malvinas), South Georgia and South Sandwich Islands and the surrounding maritime areas agreed upon by the Argentine and United Kingdom Governments in point two of the joint declaration issued in Madrid on 19 October 1989" (see A/AC.109/1122, paras. 26-28).

50. In the Joint Statement on the Conservation of Fisheries of 28 November 1990, the two Governments agreed to open the way for cooperation in this field on an ad-hoc basis, by means of the establishment of the "South Atlantic Fisheries Commission" and the temporary total prohibition of commercial fishing of vessels of any flag in the maritime area defined in the annex to the Joint Statement. The prohibition was lifted for licensed vessels from the Falkland Islands (Malvinas) as from January 1994.

51. As previously reported by the press, in 1992, Argentina offered foreign vessels licences at a lower fee than the territorial Government as well as a seven-month fishing season as compared to the three-month season offered by the territorial Government. It was reported that a large number of Japanese vessels accepted the offer and that some Taiwanese and Korean ships were expected to follow suit. It was estimated that the loss of these vessels could cost the Territory between £8 million and £16 million annually or 20 per cent to 43 per cent of the licence income which had enabled it to do without development aid from the United Kingdom.

52. During the meeting of the Commission in December 1992, the Argentine delegation said that the Argentine Government was prepared to authorize a maximum of 45 fishing permits for the following year. Also, both delegations decided to recommend to their Governments the extension for a further one-year period of the total temporary ban on commercial fishing for vessels of any flag in the maritime areas defined in the annex to the Joint Statement of 28 November 1990. According to the Governor of the Territory, the agreement

reached between the United Kingdom and Argentina in December 1992, together with the modification to the policy and licence conditions of the territorial Government, resulted in a fairly full recovery. The Territory's newspaper reported that revenues from the sale of licences from the first fishing season of 1993 had earned £17.5 million, or only £3 million below original expectations. 5/

53. Subsequently, in October 1993, at the seventh meeting of the Commission, the Argentine delegation stated that its Government would authorize and enforce, south of 45 degrees South, an upper level of catches of 220,000 metric tons and a maximum of 80 foreign flag vessels to fish for Illex. In its turn, the United Kingdom delegation stated that its Government would authorize and enforce a limit on the level of fishing effort during the 1994 season equal to that of the 1993 season so that the expected catch of Illex would be limited to 150,000 metric tons. 6/

54. The eighth meeting of the Commission took place in London on 6 and 7 June 1994 in a cordial and constructive atmosphere. Both delegations noted with satisfaction that the "Early Warning" system agreed at the seventh meeting had worked effectively and that it should be continued. The delegations also, among other things, welcomed the positive experience of the three joint research cruises carried out in 1993 and 1994 and decided to propose to their respective Governments further cruises, subject to agreement on cost-sharing; and agreed to continue cooperation to curtail illegal activities of fishing vessels in the area. Representatives of both Governments expressed satisfaction at the progress in bilateral cooperation reflected in the understandings reached at the meeting and agreed that discussion for a longer-term fisheries agreement, as foreseen in the Joint Statement of the seventh meeting, would continue through diplomatic channels.

55. According to the administering Power, to bolster the economy, efforts are being made to encourage local participation in the fishing sector. Beginning in 1991, new licensing policies that encourage joint ventures between local companies and foreign partners were introduced and there were signs that a small but encouraging locally based industry was developing. In early 1994, a consortium of local fishing companies was established to undertake exploration in the maritime area defined in the annex to the Joint Statement.

D. Industry

56. The industries and services sector comprises over 120 companies involved in building and construction works, the production of woollen yarn and both machine- and hand-knitted garments, food production, retail trade, tourism and general services.

57. The Falkland Islands Development Corporation (FIDC) was established in 1984 to advise the territorial Government on matters pertaining to economic development. It allocates development loans and grants to new enterprises and also takes up shares in, and sometimes wholly owns, development enterprises and services with the aim of increasing self-sufficiency and exports of processed and manufactured products. Currently, some 62 small businesses receive support.

These include a taxi service, a bus service, an electronics repair service, a mechanical repair shop, a number of restaurants, bars and retail outlets, a metal-working business, a driving school and a laundry.

58. Other projects assisted by FIDC are a poultry farm and a market garden, which produce sufficient eggs and vegetables to supply the local community and the military. Two dairies have also been set up, as well as two bakeries and a butchery.

E. Tourism

59. The tourism industry is based on the appeal of the Territory's wildlife and birds. According to the administering Power, the industry has grown satisfactorily since its beginning in 1987, with land-based tourists bringing in about £400,000 annually and cruise vessels a further £200,000. Additional infrastructure needs to be in place before the numbers of tourists can rise significantly.

F. Oil

60. The existence of major oil reserves in the seabed and subsoil around the Territory has been suspected for some time. On 22 November 1991, in anticipation of any possible discovery, the Governments of the United Kingdom and Argentina simultaneously announced the enactment of continental shelf legislation. The United Kingdom issued a proclamation providing for the exercise of its rights over the seabed and subsoil of the continental shelf around the Falkland Islands (Malvinas) and also passed an ordinance permitting seismic surveying. Argentina issued a maritime spaces law which established that from the baselines it fixed, maritime spaces would be measured comprising territorial sea, contiguous zone, exclusive economic zone and continental shelf. The law covers the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands maritime spaces and continental shelf.

61. On 9 December 1991, it was announced that both sides had agreed to form a High-level Group for the purpose of exploring the implications of their respective legislative measures of 22 November and the scope for cooperation on any activities deriving therefrom. No positive results, however, were reported.

62. In November 1992, the United Kingdom Government authorized oil exploration around the Falkland Islands (Malvinas) and the Territory's Legislative Council passed a bill permitting licensed surveys of the continental shelf. The Government of Argentina responded to these initiatives by reiterating its claim to the Territory. President Carlos Menem approved a bill of Congress setting out Argentina's right to all mineral deposits within 200 miles of the islands. In a communiqué released on this issue, the Argentine authorities made it clear that they do not accept or acquiesce to British sovereignty over the islands, nor do they agree that the United Kingdom has a right to invite companies to undertake surveys in the territorial waters. Also in November 1992, the Argentine embassy in London stated that talks would take place between the

United Kingdom and the Argentine Governments on oil exploration in London the following month, and at Buenos Aires the following year.

63. Initial seismic studies were conducted in 1993 in an area extending 200 nautical miles from the Territory. According to a representative of the British Geological Survey which is analysing the data, although the geological indications are good it is still unknown what the reserves are or if there is any oil at all. The first drilling to test the basin is expected to take place in 1997 and 1998 with the first oil production tentatively scheduled for 2005. The territorial Government is preparing a legislative and tax framework in the event that oil is found. 7/ The Argentine Republic has repeatedly expressed that it is not ready to accept any British unilateral actions on oil exploration and exploitation in the area under dispute and that it has decided to use all peaceful and legal means at hand to prevent it.

64. Talks between the United Kingdom and Argentina are planned to be held in July 1994. There applies to these meetings and their consequences the formula on sovereignty over the Falklands Islands (Malvinas), the South Georgias and South Sandwich Islands and the surrounding maritime areas. The Secretary for Foreign and Commonwealth Affairs, answering questions in Parliament, 8/ said that the United Kingdom had not excluded cooperation with Argentine interests in oil, but that any arrangements must not prejudice its sovereignty over the islands. The territorial Government plans to announce a second licensing round for seismic explorations by the end of 1994.

G. Energy

65. There is a power station at Stanley with an installed capacity of 6.3 megawatts and a smaller one at the Fox Bay East settlement. Throughout the rest of the Territory, power is derived from small-engined generators.

H. Transport and communications

66. The total length of roads outside Stanley amounts to 175 kilometres of which approximately 20 per cent are surfaced in bitumen, asphalt or concrete. The remainder are all-weather roads of crushed stone surface.

67. There is an international airport at Mount Pleasant, about 55 kilometres from Stanley, with a runway of 2,590 metres. There are twice-weekly flights to and from the United Kingdom and, since May 1990, a small Chilean airline, Aerovías DAP, provides regular service to Punta Arenas in southern Chile, with weekly flights during the summer and fortnightly flights during the winter. The Government of the Territory operates an internal air service using three twin-engined islander aircraft. Airmail is flown regularly via Ascension Island.

68. Inter-island sea transport is provided by a coastal cargo vessel of 241.18 tons operated by a local shipping company. There is a shipping service between the United Kingdom and the Territory, with cargo vessels arriving approximately every month.

69. There is a newly installed telephone system throughout the Territory. International calls may be made 24 hours a day.

70. Radio broadcasts are provided by the Falkland Islands Broadcasting Station, a non-commercial radio operating 24 hours a day, financed jointly by the Government and by the British Forces Broadcasting Service. A television service also operated by the Services Sound and Vision Corporation (SSVC) is available in Stanley and most of the rural areas. It operates 10 hours a day.

I. Banking

71. The Standard Chartered Bank of the United Kingdom opened a branch at Stanley in 1983. Both United Kingdom and local coinage are used, together with local currency notes of values £20, £10 and £5.

J. Public finance and international trade

72. For the financial year ended 30 June 1994, there was an estimated operating surplus of £5.7 million.

73. Revenue amounted to £32.7 million of which £18.3 million derived from fisheries. Other sources of revenue included personal and company tax, public works, customs and harbour receipts.

74. Total expenditure amounted to £27 million, of which the two largest categories were fisheries (£4.6 million) and public works (£3.8 million).

75. Traditionally, the United Kingdom was the most important trading partner of the Falkland Islands (Malvinas). By 1994, however, although the United Kingdom continued to be the largest source of the Territory's imports, over 90 per cent of the foreign exchange earnings came from European countries and Asia.

76. The total value of imports in 1992 amounted to £14.6 million (£14.8 million in 1991) of which the largest category was plant machinery and building materials for the construction of public buildings and all-weather roads. Wool was the major export, earning £2.5 million.

77. Re-exports of plant and machinery to Chile, which began in 1989, continue.

VII. SOCIAL AND EDUCATIONAL CONDITIONS

A. Labour and employment

78. Traditionally, there has been full employment in the Territory. During the period under review, however, as noted in paragraph 41 above, unemployment was reported owing to the decline in sheep farming.

79. There are established scales of wages for Stanley and for the Camp. As at 1 January 1994, the latest date for which information is available, hourly wages

at Stanley were as follows: handymen, £3.72 to £4.11; labourers, £3.25 to £3.63; craftsmen £4.71 to £5.17; and foremen £5.32. A 40-hour week is customary.

80. In the Camp, minimum monthly wages for a 40-hour week for agricultural workers were between £300 and £400. In addition, a cost-of-living adjustment was paid to all Camp employees. Labourers and shepherds also received free quarters, fuel, meat and milk. Extra bonuses were paid for shearing, while labourers and shepherds were able to add to their earnings by engaging in contract work, such as fencing and peat cutting. Employees in the Camp are given 21 annual leave days, including nine public holidays.

81. There are a number of overseas personnel working under contract, including St. Helenian workers who are often employed on short-term contracts to fill essential vacancies.

82. Various government departments and certain other employers at Stanley have apprenticeship schemes for training the limited number of craftsmen required.

B. Housing

83. As reported previously (A/AC.109/1122 and Corr.1), housing development undertaken by the United Kingdom Government and other sponsors is complete. The territorial Government, having completed a programme of "general needs" housing construction, is selling off its own stock of houses at advantageous prices and with low interest loans. It is also building single-person housing and providing serviced plots for self-builders and local companies. There was reported to be increasing involvement in construction by the private sector.

C. Public health

84. Medical and dental treatment and drugs are free. The Falkland Islands Government Medical Department employs 6 registered medical practitioners, 10 registered nurses, 6 midwives, 8 untrained nursing auxiliaries, 3 laboratory and X-ray technicians, 1 dental surgeon, 1 pharmacist and 1 physiotherapist.

85. There is a joint civilian/military hospital, the King Edward Memorial Hospital, which was opened in 1987. Built at a cost of approximately £13 million, this hospital is equipped with 28 beds, including 2 for intensive care and 2 for maternity units. Facilities include an operating theatre suite, a pathology laboratory, an X-ray department and a casualty resuscitation department. It also provides airborne medical service to outlying farm settlements. Cases requiring specialist facilities are transferred to the United Kingdom via the Royal Air Force Medevac system.

86. The Medical Department provides a range of preventive medicine activities, including operating child health clinics, school medical services, immunization programmes, well-woman clinics and health education and family planning programmes.

87. The general state of health and nutrition of the population is reported to be good. The principal causes of death are cancer, heart disease and respiratory infections of the aged.

88. The scheme whereby all employed persons were required to pay a medical service levy of 1 per cent of their salary was discontinued as at 1 January 1994. The total budget of the Medical Department for 1993/94 was £1.95 million.

D. Educational conditions

89. Education is compulsory and free of charge for children between the ages of 5 and 15 years. Compulsory education will be increased to age 16 in 1995. There are provisions for further study for those who choose to continue and take standard examinations which would qualify them for the sixth form in the United Kingdom. It is reported that few pupils actually pursue education to "A" level and fewer still reach university, which means that the Falkland Islanders produce few qualified professional people; those who do achieve are reluctant to return home.

90. There are two schools in Stanley, the Infant and Junior School and the Falkland Islands Community School. The latter, which opened in 1992, was built at a cost of £13 million and is the largest single project to have been entirely funded with local revenues.

91. In the Camp, there are four settlement schools; attendance is compulsory for children up to age 10 who live within two miles of the school. Children at other settlements receive regular visits from itinerant teachers; radio instruction for isolated students is also provided. Older children must attend secondary school in Stanley where there is a boarding hostel financed by the Government.

92. In 1994, 149 pupils attended the Falkland Islands Community School; 147, the Stanley Infant and Junior School and 11 the four settlement schools; 27 were served by radio lessons and itinerant teachers.

93. Education in the United Kingdom for students who successfully complete their public examinations is provided at the expense of the territorial Government which also makes available bursaries for college education and vocational training. In 1993, 13 students were in the United Kingdom.

94. There were 38 qualified teachers and 7 not formally qualified.

95. In 1993/94, expenditure on education was estimated at £1.85 million, exclusive of capital expenditure for the new community school.

E. Human rights

96. According to the administering Power, the principles set out in the Universal Declaration of Human Rights are observed in the Territory. In

addition, the administering Power has extended to the Territory the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, although they are not embodied in any one legislative instrument. The Constitution forbids the enactment of laws that are discriminatory.

F. Status of women

97. According to the administering Power, in conformity with articles 2 and 3 of the International Covenant on Civil and Political Rights, there is no discrimination on the basis of sex in the Falkland Islands (Malvinas). There are currently 955 women and 1,095 men.

Notes

1/ The information contained in the present paper has been derived from the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland, as well as from the previous working paper prepared by the Secretariat (A/AC.109/1168 and Corr.1) and several published reports.

2/ Penguin News, 16 April 1994, Times Newspapers Limited, 11 April 1994.

3/ Morrison, Paul, The Falkland Islands, Aston Publications, Ltd., Bourne End, Bucks., United Kingdom, 1990, p. 21.

4/ The Economist, 6 November 1993.

5/ Penguin News, 3 April 1993.

6/ Text of Joint Statement (photocopy), 1 November 1993.

7/ The Reuter European Business Report, 8 March 1994.

8/ Parliamentary Debates, 4 May 1994.

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A

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SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

QUESTION OF EAST TIMOR

Letter dated 8 July 1994 from the Chargé d'affaires of the Permanent Mission of Indonesia to the United Nations addressed to the Acting Chairman of the Special Committee

With reference to the aide-mémoire of the Special Committee dated 8 July 1994 concerning requests from persons as well as organizations to appear as petitioners to speak about the so-called question of East Timor, I wish to convey the position of my delegation, which is as follows.

The process of decolonization of East Timor has been carried out in conformity with the provisions of the Charter of the United Nations and of General Assembly resolutions 1514 (XV) and 1541 (XV), thus terminating the colonial status of the former Territory. Consequently, the integration of East Timor into the Republic of Indonesia was formalized on 17 July 1976 as its twenty-seventh province with rights and obligations equal to those of the other provinces.

In this context, my delegation reiterates its firm view that the retention of this so-called question of East Timor on the agenda of the Special Committee and the resultant granting of hearings to petitioners by the Committee would be unwarranted and hence unacceptable.

I would aporeciate it if the present letter could be circulated as an official document of the Special Committee.

(Signed) Witjaksana SOEGARDA
Ambassador
Chargé d'affaires

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